

AMENDED IN SENATE AUGUST 4, 2014

AMENDED IN SENATE JUNE 17, 2014

AMENDED IN ASSEMBLY APRIL 22, 2014

CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

ASSEMBLY BILL

No. 1739

Introduced by Assembly Member Dickinson

(Principal coauthor: Senator Pavley)

(Coauthor: Assembly Member Rendon)

February 14, 2014

An act to amend Sections 65352 and 65352.5 of, and to add Section ~~65302.12~~ 65350.5 to, the Government Code, ~~and to add Section 1242.1~~ and to amend Sections 1120, 1831, 10927, 10933, and 12924 of, to add Sections 113, 1529.5, and 10750.1 to, ~~and~~ to add Part 5.2 (commencing with Section 5200) to Division 2 of, and to add Part 2.74 (commencing with Section 10720) to Division 6 of, the Water Code, relating to groundwater.

LEGISLATIVE COUNSEL’S DIGEST

AB 1739, as amended, Dickinson. Groundwater management.

(1) The California Constitution requires the reasonable and beneficial use of water. Existing law establishes various state water policies, including the policy that the people of the state have a paramount interest in the use of all the water of the state and that the state is required to determine what water of the state, surface and underground, can be converted to public use or be controlled for public protection.

This bill would state the policy of the state that groundwater resources be managed sustainably for long-term water supply reliability and multiple economic, social, or environmental benefits for current and

future beneficial uses. This bill would state that sustainable groundwater management is best achieved locally through the development, implementation, and updating of plans and programs based on the best available science.

(2) Existing law requires the Department of Water Resources, in conjunction with other public agencies, to conduct an investigation of the state's groundwater basins and to report its findings to the Legislature not later than January 1, 2012, and thereafter in years ending in 5 and 0. Existing law requires the department to identify the extent of monitoring of groundwater elevations that is being undertaken within each basin or subbasin and to prioritize groundwater basins and subbasins.

This bill would require the department, in consultation with the Department of Fish and Wildlife, to identify and develop prioritization criteria for the purpose of identifying groundwater basins and subbasins that should be prioritized based on adverse impacts to habitat and surface water resources. This bill would require the department to categorize each basin as high-, medium-, low-, or very low priority and would require the initial priority for each basin to be established no later than January 1, 2017. This bill would authorize a local agency to request that the department revise the boundaries of a basin. This bill would require the department to provide a copy of its draft revision of a basin's boundaries to the California Water Commission and would require the commission to hear and comment on the draft revision.

(3) Existing law authorizes local agencies to adopt and implement a groundwater management plan. Existing law requires a groundwater management plan to contain specified components and requires a local agency seeking state funds administered by the Department of Water Resources for groundwater projects or groundwater quality projects to do certain things, including, but not limited to, preparing and implementing a groundwater management plan that includes basin management objectives for the groundwater basin.

This bill would prohibit, beginning January 1, 2015, a new groundwater management plan from being adopted or an existing groundwater management plan from being renewed, except for a low- or very low priority basin.

This bill would require, by January 31, 2020, all groundwater basins designated as high- or medium-priority basins by the Department of Water Resources to be managed under a groundwater sustainability plan or coordinated groundwater sustainability plans of a groundwater

sustainability agency, with specified exceptions. This bill would require a groundwater sustainability plan to be developed and implemented to meet the sustainability goal, established as prescribed, and would require the plan to include prescribed components. This bill would require a groundwater sustainability agency to certify to the department that its plan complies with the requirements of the act no later than January 31, 2020, and every 5 years thereafter. This bill would encourage and authorize basins designated as low- or very low priority basins to be managed under groundwater sustainability plans.

This bill would authorize any local agency, as defined, or combination of local agencies to elect to be a groundwater sustainability agency and would require, within 30 days of electing to be or forming a groundwater sustainability agency, the groundwater sustainability agency to inform the department of its election or formation and its intent to undertake sustainable groundwater management. This bill would provide that a county within which an area unmanaged by a groundwater sustainability agency lies is presumed to be the groundwater sustainability agency for that area and would require the county to provide a prescribed notification to the department. This bill would provide specific authority to a groundwater sustainability agency, including, but not limited to, the ability to require registration of a groundwater extraction facility, to require that a groundwater extraction facility be measured with a water-measuring device, to regulate groundwater pumping, and to impose certain fees.

This bill would authorize the department or a groundwater sustainability agency to provide technical assistance to entities that extract or use groundwater to promote water conservation and protect groundwater resources. This bill would require the department, by January 1, 2017, to publish on its Internet Web site best management practices for the sustainable management of groundwater.

This bill would require a groundwater sustainability agency to submit a groundwater sustainability plan to the department for review upon completion. This bill would require the department to periodically review groundwater sustainability plans, and by June 1, 2016, would require the department, in consultation with the State Water Resources Control Board, to develop guidelines for evaluating groundwater sustainability plans and groundwater sustainability programs. This bill would authorize a local agency to submit to the department for evaluation and assessment an alternative plan that is not a groundwater sustainability plan that the local agency believes satisfies the objectives

of these provisions as a functional equivalent. This bill would provide that a basin is in compliance with these provisions if a groundwater agency or other local agency submits to the department, no later than January 31, 2020, a copy of a governing final judgment or other judicial order or decree establishing a groundwater sustainability program for the basin or a prescribed report that shows that current management or operations activities have been consistent with the sustainable yield of the basin over a period of at least 10 years. This bill would require the department to review any of the above-described submissions at least every 5 years after initial submission to the department. This bill would require the department to adopt a schedule of fees to recover costs incurred.

This bill would authorize a groundwater sustainability agency and the board to conduct inspections and would authorize a groundwater sustainability agency or the board to obtain an inspection warrant. Because the willful refusal of an inspection lawfully authorized by an inspection warrant is a misdemeanor, this bill would impose a state-mandated local program by expanding the application of a crime.

This bill would authorize the board to designate a basin as a probationary basin, if the board makes a certain determination. This bill would authorize the board to develop an interim plan for a probationary basin if the board, in consultation with the department, determines that a local agency has not remedied a deficiency that resulted in designating the basin as a probationary basin within a certain timeframe. This bill would authorize the board to adopt an interim plan for a probationary basin after notice and a public hearing and would require state entities to comply with an interim plan. This bill would specifically authorize the board to rescind all or a portion of an interim plan if the board determines at the request of specified petitioners that a groundwater sustainability plan or adjudication action is adequate to eliminate the condition of long-term overdraft or condition where groundwater extractions result in significant depletions of interconnected surface waters. This bill would provide that the board has authority to stay its proceedings relating to an interim plan or to rescind or amend an interim plan based on the progress made by a groundwater sustainability agency or in an adjudication action.

Existing law establishes the Water Rights Fund, which consists of various fees and penalties. The moneys in the Water Rights Fund are available, upon appropriation by the Legislature, for the administration of the board's water rights program.

This bill would require the board to adopt a schedule of fees in an amount sufficient to recover all costs incurred and expended from the Water Rights Fund for the purpose of administering the above-described provisions.

Under existing law, a person who violates a cease and desist order of the board may be liable in an amount not to exceed \$1,000 for each day in which the violation occurs. Revenue generated from these penalties is deposited in the Water Rights Fund.

This bill would authorize the board to issue a cease and desist order in response to a violation or threatened violation of the above-described provisions.

(4) Existing law requires the legislative body of each county and city to adopt a comprehensive, long-term general plan for the physical development of the county or city with specified elements, including, among others, land use and conservation elements. Existing law requires a city or county, upon the adoption or revision of its general plan, on or after January 1, 1996, to utilize as a source document any urban water management plan submitted to the city or county by a water agency.

This bill would require, prior to the adoption or any substantial amendment of a general plan, the planning agency to review and consider a groundwater sustainability plan, groundwater management plan, groundwater management court order, judgment, or decree, adjudication of water rights, or a certain order of the State Water Resources Control Board. This bill would require the planning agency to refer a proposed action to adopt or substantially amend a general plan to any groundwater sustainability agency that has adopted a groundwater sustainability plan or local agency that otherwise manages groundwater and to the State Water Resources Control Board if it has adopted an interim plan that includes territory within the planning area.

Existing law requires a public water system to provide a planning agency with certain information upon receiving notification of a city's or a county's proposed action to adopt or substantially amend a general plan.

This bill would also require a public water system to provide a report on the anticipated effect of the proposed action on implementation of a groundwater sustainability plan. This bill would require a groundwater sustainability agency to provide the planning agency with certain information as is appropriate and relevant.

By imposing new duties on a city or county, this bill would impose a state-mandated local program.

(5) This bill would state the intent of the Legislature to subsequently amend this measure to adopt extraction reporting requirements for basins identified by the State Water Resources Control Board as probationary basins or basins without a groundwater sustainability agency.

(6) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that with regard to certain mandates no reimbursement is required by this act for a specified reason.

With regard to any other mandates, this bill would provide that, if the Commission on State Mandates determines that the bill contains costs so mandated by the state, reimbursement for those costs shall be made pursuant to the statutory provisions noted above.

(7) Existing constitutional provisions require that a statute that limits the right of access to the meetings of public bodies or the writings of public officials and agencies be adopted with findings demonstrating the interest protected by the limitation and the need for protecting that interest.

This bill would make legislative findings to that effect.

~~(1) Existing law authorizes local agencies, as defined, to adopt and implement a groundwater management plan. Existing law requires a groundwater management plan to contain specified components and requires a local agency seeking state funds administered by the Department of Water Resources for groundwater projects or groundwater quality projects to do certain things, including, but not limited to, preparing and implementing a groundwater management plan that includes basin management objectives for the groundwater basin.~~

~~This bill would require all groundwater basins designated as high- or medium-priority basins by the Department of Water Resources to be managed under a groundwater sustainability plan or coordinated groundwater sustainability plans, with specified exceptions. This bill would require a groundwater sustainability agency to certify that its plan complies with the requirements of this bill no later than January 31, 2020, and every 5 years thereafter. This bill would encourage basins designated as low-priority basins by the department to be managed under groundwater sustainability plans as soon as possible. This bill,~~

to the extent practicable, would require a groundwater sustainability plan to be coterminous and augment a groundwater management plan.

~~This bill would provide specific authority to a groundwater sustainability agency including, but not limited to, the ability to require the registration of a groundwater extraction facility, to require that a groundwater extraction facility be measured with a water-measuring device, to regulate groundwater pumping, and to impose certain charges. This bill, after January 31, 2020, would prohibit a person from increasing groundwater extractions on a property within the basin, as specified, until a groundwater sustainability agency or the State Water Resources Control Board complies with the above-described requirements, unless the person submits to the county a specified report. This bill would authorize a groundwater sustainability agency to conduct inspections and would require the inspection to be made with any necessary consent or with an inspection warrant. Because the willful refusal of an inspection lawfully authorized by an inspection warrant is a misdemeanor, this bill would impose a state-mandated local program by expanding the application of a crime.~~

~~This bill would authorize the department to provide technical assistance to a groundwater sustainability agency upon the request of the agency and would require, by January 1, 2017, the department to submit to the Legislature and publish on its Internet Web site best management practices for the sustainable management of groundwater.~~

~~This bill would state the intent of the Legislature to amend this measure to provide that one or more state agencies act to ensure that all basins in California are on track to achieve the sustainability goal if local agencies are unable to adopt or implement groundwater sustainability plans that achieve that goal. This bill would state the intent of the Legislature to amend this measure to provide for expedited adjudications of rights to extract and store water from and in basins by enacting and directing the Judicial Council to develop innovative judicial procedures to manage those adjudications as quickly as reasonably feasible. This bill would state the intent of the Legislature to amend this measure to provide that the State Water Resources Control Board and the regional water quality control boards must weigh the value of surface water for groundwater replenishment and recharge to promote the state's interest in groundwater sustainability.~~

~~(2) The California Constitution requires the reasonable and beneficial use of water.~~

~~This bill would state the policy of the state to encourage conjunctive use of surface and groundwater.~~

~~(3) Existing law requires the legislative body of each county and city to adopt a comprehensive, long-term general plan for the physical development of the county or city with specified elements, including, among others, land use and conservation elements. Existing law requires a city or county, upon the adoption or revision of its general plan, on or after January 1, 1996, to utilize as a source document any urban water management plan submitted to the city or county by a water agency.~~

~~This bill would require, prior to the adoption or any substantial amendment of a general plan, the planning agency to review, and if necessary revise the land use, conservation, open space, or any other element of the general plan to address a groundwater sustainability plan, groundwater management plan, groundwater management court order, judgment, or decree, adjudication of water rights, or a certain order of the State Water Resources Control Board. This bill would require the planning agency to refer a proposed action to adopt or substantially amend a general plan to any local agency or joint powers authority that has adopted a groundwater sustainability plan or that otherwise manages groundwater and to the State Water Resources Control Board if it has adopted a groundwater sustainability plan that includes territory within the planning area.~~

~~Existing law requires a public water system to provide a planning agency with certain information upon receiving notification of a city's or a county's proposed action to adopt or substantially amend a general plan.~~

~~This bill would also require a public water system to provide a report on the anticipated effect of the proposed action on implementation of a groundwater sustainability plan. This bill would require a groundwater sustainability agency to provide the planning agency with certain information as is appropriate and relevant.~~

~~By imposing new duties on a city or county, this bill would impose a state-mandated local program.~~

~~(4) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.~~

~~This bill would provide that with regard to certain mandates no reimbursement is required by this act for a specified reason.~~

~~With regard to any other mandates, this bill would provide that, if the Commission on State Mandates determines that the bill contains costs~~

~~so mandated by the state, reimbursement for those costs shall be made pursuant to the statutory provisions noted above.~~

~~(5) Existing constitutional provisions require that a statute that limits the right of access to the meetings of public bodies or the writings of public officials and agencies be adopted with findings demonstrating the interest protected by the limitation and the need for protecting that interest.~~

~~This bill would make legislative findings to that effect.~~

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

- 1 SECTION 1. (a) *The Legislature finds and declares as follows:*
2 (1) *The people of the state have a primary interest in the*
3 *protection, management, and reasonable beneficial use of the*
4 *water resources of the state, both surface and underground, and*
5 *that the integrated management of the state's water resources is*
6 *essential to meeting its water management goals.*
7 (2) *Groundwater provides a significant portion of California's*
8 *water supply. Groundwater accounts for more than one-third of*
9 *the water used by Californians in an average year and more than*
10 *one-half of the water used by Californians in a drought year when*
11 *other sources are unavailable.*
12 (3) *Excessive groundwater pumping can cause overdraft, failed*
13 *wells, deteriorated water quality, environmental damage, and*
14 *irreversible land subsidence that damages infrastructure and*
15 *diminishes the capacity of aquifers to store water for the future.*
16 (4) *When properly managed, groundwater resources will help*
17 *protect communities, farms, and the environment against prolonged*
18 *dry periods and climate change, preserving water supplies for*
19 *existing and potential beneficial use.*
20 (5) *Failure to manage groundwater to prevent long-term*
21 *overdraft infringes on groundwater rights.*
22 (6) *Groundwater resources are most effectively managed at the*
23 *local or regional level.*
24 (7) *Groundwater management will not be effective unless local*
25 *actions to sustainably manage groundwater basins and subbasins*
26 *are taken.*

1 (8) *Local and regional agencies need to have the necessary*
2 *support and authority to manage groundwater sustainably.*

3 (9) *In those circumstances where a local groundwater*
4 *management agency is not managing its groundwater sustainably,*
5 *the state needs to protect the resource until it is determined that*
6 *a local groundwater management agency can sustainably manage*
7 *the groundwater basin or subbasin.*

8 (10) *Information on the amount of groundwater extraction,*
9 *natural and artificial recharge, and groundwater evaluations are*
10 *critical for effective management of groundwater.*

11 (11) *Sustainable groundwater management in California*
12 *depends upon creating more opportunities for robust conjunctive*
13 *management of surface water resources. Climate change will*
14 *intensify the need to recalibrate and reconcile surface and*
15 *groundwater management strategies.*

16 (b) *It is therefore the intent of the Legislature to do all of the*
17 *following:*

18 (1) *To provide local and regional agencies the authority to*
19 *sustainably manage groundwater.*

20 (2) *To provide that if no local groundwater agency or agencies*
21 *provide sustainable groundwater management for a groundwater*
22 *basin or subbasin, the state has the authority to develop and*
23 *implement a groundwater sustainability plan until the time the*
24 *local groundwater management agency or agencies can assume*
25 *management of the basin or subbasin.*

26 (3) *To require the development and reporting of those data*
27 *necessary to support sustainable groundwater management,*
28 *including those data that help describe the basin's geology, the*
29 *short- and long-term trends of the basin's water balance, and other*
30 *measures of sustainability, and those data necessary to resolve*
31 *disputes regarding sustainable yield, beneficial uses, and water*
32 *rights.*

33 (4) *To respect overlying and other proprietary rights to*
34 *groundwater.*

35 SEC. 2. *Section 65350.5 is added to the Government Code, to*
36 *read:*

37 65350.5. *Before the adoption or any substantial amendment*
38 *of a city's or county's general plan, the planning agency shall*
39 *review and consider all of the following:*

1 (a) An adoption of, or update to, a groundwater sustainability
2 plan or groundwater management plan pursuant to Part 2.74
3 (commencing with Section 10720) or Part 2.75 (commencing with
4 Section 10750) of Division 6 of the Water Code or groundwater
5 management court order, judgment, or decree.

6 (b) An adjudication of water rights.

7 (c) An order by the State Water Resources Control Board
8 pursuant to Chapter 11 (commencing with Section 10735) of Part
9 2.74 of Division 6 of the Water Code.

10 SEC. 3. Section 65352 of the Government Code is amended to
11 read:

12 65352. (a) ~~Prior to action by~~ Before a legislative body takes
13 action to adopt or substantially amend a general plan, the planning
14 agency shall refer the proposed action to all of the following
15 entities:

16 (1) A city or county, within or abutting the area covered by the
17 proposal, and any special district that may be significantly affected
18 by the proposed action, as determined by the planning agency.

19 (2) An elementary, high school, or unified school district within
20 the area covered by the proposed action.

21 (3) The local agency formation commission.

22 (4) An areawide planning agency whose operations may be
23 significantly affected by the proposed action, as determined by the
24 planning agency.

25 (5) A federal-agency agency, if its operations or lands within
26 its jurisdiction may be significantly affected by the proposed action,
27 as determined by the planning agency.

28 (6) (A) The branches of the United States Armed Forces that
29 have provided the Office of Planning and Research with a
30 California mailing address pursuant to subdivision (d) of Section
31 ~~65944 when 65944~~, if the proposed action is within 1,000 feet of
32 a military installation, or lies within special use airspace, or beneath
33 a low-level flight path, as defined in Section 21098 of the Public
34 Resources Code, ~~provided that~~ and if the United States Department
35 of Defense provides electronic maps of low-level flight paths,
36 special use airspace, and military installations at a scale and in an
37 electronic format that is acceptable to the Office of Planning and
38 Research.

39 (B) Within 30 days of a determination by the Office of Planning
40 and Research that the information provided by the Department of

1 Defense is sufficient and in an acceptable scale and format, the
2 office shall notify cities, counties, and cities and counties of the
3 availability of the information on the Internet. Cities, counties, and
4 cities and counties shall comply with subparagraph (A) within 30
5 days of receiving this notice from the office.

6 (7) A public water system, as defined in Section 116275 of the
7 Health and Safety Code, with 3,000 or more service connections,
8 that serves water to customers within the area covered by the
9 proposal. The public water system shall have at least 45 days to
10 comment on the proposed plan, in accordance with subdivision
11 (b), and to provide the planning agency with the information set
12 forth in Section 65352.5.

13 (8) *Any groundwater sustainability agency that has adopted a*
14 *groundwater sustainability plan pursuant to Part 2.74*
15 *(commencing with Section 10720) of Division 6 of the Water Code*
16 *or local agency that otherwise manages groundwater pursuant to*
17 *other provisions of law or a court order, judgment, or decree within*
18 *the planning area of the proposed general plan.*

19 (9) *The State Water Resources Control Board, if it has adopted*
20 *an interim plan pursuant to Part 2.74 (commencing with Section*
21 *10720) of Division 6 of the Water Code that includes territory*
22 *within the planning area of the proposed general plan.*

23 ~~(8)~~
24 (10) The Bay Area Air Quality Management District for a
25 proposed action within the boundaries of the district.

26 ~~(9) On and after March 1, 2005, a~~

27 (11) A California Native American tribe, that is on the contact
28 list maintained by the Native American Heritage Commission,
29 ~~with Commission and that has~~ traditional lands located within the
30 ~~city~~ city's or county's jurisdiction.

31 ~~(10)~~
32 (12) The Central Valley Flood Protection Board Board, for a
33 proposed action within the boundaries of the Sacramento and San
34 Joaquin Drainage District, as set forth in Section 8501 of the Water
35 Code.

36 (b) ~~Each~~ An entity receiving a proposed general plan or
37 amendment of a general plan pursuant to this section shall have
38 45 days from the date the referring agency mails it or delivers it
39 ~~in which~~ to comment unless a longer period is specified by the
40 planning agency.

1 (c) (1) This section is directory, not mandatory, and the failure
2 to refer a proposed action to the ~~other~~ entities specified in this
3 section does not affect the validity of the action, if adopted.

4 (2) To the extent that the requirements of this section conflict
5 with the requirements of Chapter 4.4 (commencing with Section
6 65919), the requirements of Chapter 4.4 shall prevail.

7 *SEC. 4. Section 65352.5 of the Government Code is amended*
8 *to read:*

9 65352.5. (a) The Legislature finds and declares that it is vital
10 that there be close coordination and consultation between
11 California's water supply *or management* agencies and California's
12 land use approval agencies to ensure that proper water supply *and*
13 *management* planning occurs ~~in order~~ to accommodate projects
14 that will result in increased demands on water supplies *or impact*
15 *water resource management*.

16 (b) It is, therefore, the intent of the Legislature to provide a
17 standardized process for determining the adequacy of existing and
18 planned future water supplies to meet existing and planned future
19 demands on these water supplies *and the impact of land use*
20 *decisions on the management of California's water supply*
21 *resources*.

22 (c) Upon receiving, pursuant to Section 65352, notification of
23 a city's or a county's proposed action to adopt or substantially
24 amend a general plan, a public water system, as defined in Section
25 116275 of the Health and Safety Code, with 3,000 or more service
26 connections, shall provide the planning agency with the following
27 information, as is appropriate and relevant:

28 (1) The current version of its urban water management plan,
29 adopted pursuant to Part 2.6 (commencing with Section 10610)
30 of Division 6 of the Water Code.

31 (2) The current version of its capital improvement program or
32 plan, as reported pursuant to Section 31144.73 of the Water Code.

33 (3) A description of the source or sources of the total water
34 supply currently available to the water supplier by water right or
35 contract, taking into account historical data concerning wet, normal,
36 and dry runoff years.

37 (4) A description of the quantity of surface water that was
38 purveyed by the water supplier in each of the previous five years.

39 (5) A description of the quantity of groundwater that was
40 purveyed by the water supplier in each of the previous five years.

1 (6) A description of all proposed additional sources of water
2 supplies for the water supplier, including the estimated dates by
3 which these additional sources should be available and the
4 quantities of additional water supplies that are being proposed.

5 (7) A description of the total number of customers currently
6 served by the water supplier, as identified by the following
7 categories and by the amount of water served to each category:

8 (A) Agricultural users.

9 (B) Commercial users.

10 (C) Industrial users.

11 (D) Residential users.

12 (8) Quantification of the expected reduction in total water
13 demand, identified by each customer category set forth in paragraph
14 (7), associated with future implementation of water use reduction
15 measures identified in the water supplier's urban water
16 management plan.

17 (9) Any additional information that is relevant to determining
18 the adequacy of existing and planned future water supplies to meet
19 existing and planned future demands on these water supplies.

20 *(10) A report on the anticipated effect of proposed action to*
21 *adopt or substantially amend a general plan on implementation*
22 *of a groundwater sustainability plan pursuant to Part 2.74*
23 *(commencing with Section 10720) of Division 6 of the Water Code.*

24 *(d) Upon receiving, pursuant to Section 65352, notification of*
25 *a city's or a county's proposed action to adopt or substantially*
26 *amend a general plan, a groundwater sustainability agency, as*
27 *defined in Section 10720.5 of the Water Code, shall provide the*
28 *planning agency with the following information, as is appropriate*
29 *and relevant:*

30 *(1) The current version of its groundwater sustainability plan*
31 *adopted pursuant to Part 2.74 (commencing with Section 10720)*
32 *of Division 6 of the Water Code.*

33 *(2) If the groundwater sustainability agency manages*
34 *groundwater pursuant to a court order, judgment, decree, or*
35 *agreement among affected water rights holders, or if the State*
36 *Water Resources Control Board has adopted a groundwater*
37 *sustainability plan pursuant to Part 2.74 (commencing with Section*
38 *10720) of Division 6 of the Water Code, the groundwater*
39 *sustainability agency shall provide the planning agency with maps*
40 *of recharge basins and percolation ponds, extraction limitations,*

1 *and other relevant information, or the court order, judgment, or*
2 *decree.*

3 *SEC. 5. Section 113 is added to the Water Code, to read:*

4 *113. It is the policy of the state that groundwater resources be*
5 *managed sustainably for long-term water supply reliability and*
6 *multiple economic, social, or environmental benefits for current*
7 *and future beneficial uses. Sustainable groundwater management*
8 *is best achieved locally through the development, implementation,*
9 *and updating of plans and programs based on the best available*
10 *science.*

11 *SEC. 6. Section 1120 of the Water Code is amended to read:*

12 *1120. This chapter applies to any decision or order issued under*
13 *this part or Section 275, Part 2 (commencing with Section 1200),*
14 *Part 2 (commencing with Section 10500) of Division 6, Chapter*
15 *11 (commencing with Section 10735) of Part 2.74 of Division 6,*
16 *Article 7 (commencing with Section 13550) of Chapter 7 of*
17 *Division 7, or the public trust doctrine.*

18 *SEC. 7. Section 1529.5 is added to the Water Code, to read:*

19 *1529.5. (a) The board shall adopt a schedule of fees pursuant*
20 *to Section 1530 to recover costs incurred in administering Chapter*
21 *11 (commencing with Section 10735) of Part 2.74 of Division 6.*
22 *Recoverable costs include, but are not limited to, costs incurred*
23 *in connection with investigations, facilitation, monitoring, hearings,*
24 *enforcement, and administrative costs in carrying out these actions.*

25 *(b) The fee schedule adopted under this section may include,*
26 *but is not limited to, the following:*

27 *(1) A fee for participation as a petitioner or party to an*
28 *adjudicative proceeding.*

29 *(2) A fee for the filing of a report pursuant to Part 5.2*
30 *(commencing with Section 5200) of Division 2 for extractions from*
31 *a source within the boundaries of a probationary basin under*
32 *Section 10735.2.*

33 *(c) Consistent with Section 3 of Article XIII A of the California*
34 *Constitution, the board shall set the fees under this section in an*
35 *amount sufficient to cover all costs incurred and expended from*
36 *the Water Rights Fund for the purpose of Chapter 11 (commencing*
37 *with Section 10735) of Part 2.74 of Division 6. In setting these*
38 *fees, the board is not required to fully recover these costs in the*
39 *year or the year immediately after the costs are incurred, but the*

1 *board may provide for recovery of these costs over a period of*
2 *years.*

3 *SEC. 8. Section 1831 of the Water Code is amended to read:*

4 1831. (a) When the board determines that any person is
5 violating, or threatening to violate, any requirement described in
6 subdivision (d), the board may issue an order to that person to
7 cease and desist from that violation.

8 (b) The cease and desist order shall require that person to comply
9 forthwith or in accordance with a time schedule set by the board.

10 (c) The board may issue a cease and desist order only after
11 notice and an opportunity for hearing pursuant to Section 1834.

12 (d) The board may issue a cease and desist order in response to
13 a violation or threatened violation of any of the following:

14 (1) The prohibition set forth in Section 1052 against the
15 unauthorized diversion or use of water subject to this division.

16 (2) Any term or condition of a permit, license, certification, or
17 registration issued under this division.

18 (3) Any decision or order of the board issued under this part,
19 Section 275, *Chapter 11 (commencing with Section 10735) of Part*
20 *2.74 of Division 6*, or Article 7 (commencing with Section 13550)
21 of Chapter 7 of Division 7, in which decision or order the person
22 to whom the cease and desist order will be issued, or a predecessor
23 in interest to that person, was named as a party directly affected
24 by the decision or order.

25 (4) A regulation adopted under Section 1058.5.

26 (5) *Any pumping restriction, limitation, order, or regulation*
27 *adopted or issued under Chapter 11 (commencing with Section*
28 *10735) of Part 2.74 of Division 6.*

29 (e) This article ~~shall~~ *does* not authorize the board to regulate in
30 any manner, the diversion or use of water not otherwise subject to
31 regulation of the board under this ~~part~~ *division or Section 275.*

32 *SEC. 9. Part 5.2 (commencing with Section 5200) is added to*
33 *Division 2 of the Water Code, to read:*

34

35 **PART 5.2. GROUNDWATER EXTRACTION REPORTING FOR**
36 **PROBATIONARY BASINS AND BASINS WITHOUT A**
37 **GROUNDWATER SUSTAINABILITY AGENCY**
38

39 5200. *It is the intent of the Legislature to subsequently amend*
40 *this measure to adopt extraction reporting requirements for basins*

1 *identified as probationary basins pursuant to Section 10735.2, or*
2 *as authorized by subdivision (b) of Section 10724, for basins*
3 *without a groundwater sustainability agency.*

4 *SEC. 10. Part 2.74 (commencing with Section 10720) is added*
5 *to Division 6 of the Water Code, to read:*

6
7 **PART 2.74. SUSTAINABLE GROUNDWATER MANAGEMENT**

8
9 **CHAPTER 1. GENERAL PROVISIONS**

10
11 *10720. This part shall be known, and may be cited, as the*
12 *“Sustainable Groundwater Management Act.”*

13 *10720.1. In enacting this part, it is the intent of the Legislature*
14 *to do all of the following:*

15 *(a) To provide for the sustainable management of groundwater*
16 *basins.*

17 *(b) To enhance local management of groundwater consistent*
18 *with rights to use or store groundwater and Section 2 of Article X*
19 *of the California Constitution. It is the intent of the Legislature to*
20 *preserve the security of water rights in the state to the greatest*
21 *extent possible consistent with the sustainable management of*
22 *groundwater.*

23 *(c) To establish minimum standards for sustainable groundwater*
24 *management.*

25 *(d) To provide local groundwater agencies with the authority*
26 *and the technical and financial assistance necessary to sustainably*
27 *manage groundwater.*

28 *(e) To avoid or minimize subsidence.*

29 *(d) To improve data collection and understanding about*
30 *groundwater.*

31 *(e) To increase groundwater storage and remove impediments*
32 *to recharge.*

33 *(g) To manage groundwater basins through the actions of local*
34 *governmental agencies to the greatest extent feasible, while*
35 *minimizing state intervention to only when necessary to ensure*
36 *that local agencies manage groundwater in a sustainable manner.*

37 *10720.3. (a) This part applies to all groundwater basins in*
38 *the state.*

1 (b) To the extent authorized under federal or tribal law, this
2 part applies to an Indian tribe and to the federal government,
3 including, but not limited to, the Department of Defense.

4 10720.5. Groundwater management pursuant to this part shall
5 be consistent with Section 2 of Article X of the California
6 Constitution. Nothing in this part modifies rights or priorities to
7 use or store groundwater consistent with Section 2 of Article X of
8 the California Constitution, except that in basins designated
9 medium- or high-priority basins by the department, no extraction
10 of groundwater between January 1, 2015, and the date of adoption
11 of a groundwater sustainability plan pursuant to this part,
12 whichever is sooner, may be used as evidence of, or to establish
13 or defend against, any claim of prescription.

14 10720.7. Subject to Chapter 6 (commencing with Section
15 10725), by January 31, 2020, all basins designated as high- or
16 medium-priority basins by the department shall be managed under
17 a groundwater sustainability plan or coordinated groundwater
18 sustainability plans pursuant to this part. The Legislature
19 encourages and authorizes basins designated as low-and very low
20 priority basins by the department to be managed under
21 groundwater sustainability plans pursuant to this part.

22 10720.9. (a) Except as provided in Section 10733.6, this part
23 does not apply to a local agency that conforms to the requirements
24 of an adjudication of water rights in a groundwater basin or to
25 that adjudicated basin. For purposes of this section, an
26 adjudication includes an adjudication under Section 2101, an
27 administrative adjudication, and an adjudication in state or federal
28 court, including, but not limited to, the following adjudicated
29 groundwater basins:

- 30 (1) Beaumont Basin.
- 31 (2) Brite Basin.
- 32 (3) Central Basin.
- 33 (4) Chino Basin.
- 34 (5) Cucamonga Basin.
- 35 (6) Cummings Basin.
- 36 (7) Goleta Basin.
- 37 (8) Main San Gabriel Basin: Puente Narrows.
- 38 (9) Mojave Basin Area.
- 39 (10) Puente Basin.
- 40 (11) Raymond Basin.

- 1 (12) *San Jacinto Basin.*
2 (13) *Santa Margarita River Watershed.*
3 (14) *Santa Maria Valley Basin.*
4 (15) *Santa Paula Basin.*
5 (16) *Scott River Stream System.*
6 (17) *Seaside Basin.*
7 (18) *Six Basins.*
8 (19) *Tehachapi Basin.*
9 (20) *Upper Los Angeles River Area.*
10 (21) *Warren Valley Basin.*
11 (22) *West Coast Basin.*
12 (23) *Western San Bernardino.*

13 (b) *The Antelope Valley basin at issue in the Antelope Valley*
14 *Groundwater Cases (Judicial Council Coordination Proceeding*
15 *Number 4408) shall be treated as an adjudicated basin pursuant*
16 *to this section if the superior court issues a final judgment, order,*
17 *or decree.*

18
19 *CHAPTER 2. DEFINITIONS*
20

21 *10721. Unless the context otherwise requires, the following*
22 *definitions govern the construction of this part:*

23 (a) *“Adjudication action” means an action filed in the superior*
24 *court to determine the rights to extract groundwater from a basin*
25 *or store water within a basin, including, but not limited to, actions*
26 *to quiet title respecting rights to extract or store groundwater or*
27 *an action brought to impose a physical solution on a basin.*

28 (b) *“Basin” means a groundwater basin or subbasin identified*
29 *and defined in Bulletin 118 or as modified pursuant to Chapter 3*
30 *(commencing with Section 10722).*

31 (c) *“Bulletin 118” means the department’s report entitled*
32 *“California’s Groundwater: Bulletin 118” updated in 2003, as it*
33 *may be subsequently updated or revised in accordance with Section*
34 *12924.*

35 (d) *“Coordination agreement” means a legal agreement adopted*
36 *between two or more groundwater sustainability agencies that*
37 *provides the basis for coordinating multiple agencies or*
38 *groundwater sustainability plans within a basin pursuant to this*
39 *part.*

- 1 (e) *“De minimus extractor” means a person who extracts, for*
2 *domestic purposes, two acre-feet or less per year.*
- 3 (f) *“Governing body” means the legislative body of a*
4 *groundwater sustainability agency.*
- 5 (g) *“Groundwater” means water beneath the surface of the*
6 *earth within the zone below the water table in which the soil is*
7 *completely saturated with water, but does not include water that*
8 *flows in known and definite channels.*
- 9 (h) *“Groundwater extraction facility” means a device or method*
10 *for extracting groundwater from within a basin.*
- 11 (i) *“Groundwater recharge” means the augmentation of*
12 *groundwater, by natural or artificial means.*
- 13 (j) *“Groundwater sustainability agency” means one or more*
14 *local agencies that implement the provisions of this part. For*
15 *purposes of imposing fees pursuant to Chapter 8 (commencing*
16 *with Section 10730) or taking action to enforce a groundwater*
17 *sustainability plan, “groundwater sustainability agency” also*
18 *means each local agency comprising the groundwater*
19 *sustainability agency if the plan authorizes separate agency action.*
- 20 (k) *“Groundwater sustainability plan” or “plan” means a plan*
21 *of a groundwater sustainability agency proposed or adopted*
22 *pursuant to this part.*
- 23 (l) *“Groundwater sustainability program” means a coordinated*
24 *and ongoing activity undertaken to benefit a basin, pursuant to a*
25 *groundwater sustainability plan.*
- 26 (m) *“Local agency” means a local public agency that has water*
27 *supply, water management, or land use responsibilities within a*
28 *groundwater basin.*
- 29 (n) *“Operator” means a person operating a groundwater*
30 *extraction facility. The owner of a groundwater extraction facility*
31 *shall be conclusively presumed to be the operator unless a*
32 *satisfactory showing is made to the governing body of the*
33 *groundwater sustainability agency that the groundwater extraction*
34 *facility actually is operated by some other person.*
- 35 (o) *“Owner” means a person owning a groundwater extraction*
36 *facility or an interest in a groundwater extraction facility other*
37 *than a lien to secure the payment of a debt or other obligation.*
- 38 (p) *“Planning and implementation horizon” means a 50-year*
39 *time period over which a groundwater sustainability agency*

1 *determines that plans and measures will be implemented in a basin*
2 *to ensure that the basin is operated within its sustainable yield.*

3 (q) *“Public water system” has the same meaning as defined in*
4 *Section 116275 of the Health and Safety Code.*

5 (r) *“Recharge area” means the area that supplies water to an*
6 *aquifer in a groundwater basin.*

7 (s) *“Sustainability goal” means the existence and*
8 *implementation of one or more groundwater sustainability plans*
9 *that achieve sustainable groundwater management by identifying*
10 *and causing the implementation of measures targeted to ensure*
11 *that the applicable basin is operated within its sustainable yield.*

12 (t) *“Sustainable groundwater management” means the*
13 *management and use of groundwater in a manner that can be*
14 *maintained during the planning and implementation horizon*
15 *without causing undesirable results.*

16 (u) *“Sustainable yield” means the maximum quantity of water,*
17 *calculated over a base period representative of long-term*
18 *conditions in the basin and including any temporary surplus, that*
19 *can be withdrawn annually from a groundwater supply without*
20 *causing an undesirable result.*

21 (v) *“Undesirable result” means one or more of the following*
22 *effects occurring after January 1, 2015, and caused by*
23 *groundwater conditions occurring throughout the basin:*

24 (1) *Chronic lowering of groundwater levels indicating a*
25 *significant and unreasonable depletion of supply if continued over*
26 *the planning and implementation horizon, excluding lowering*
27 *groundwater levels caused by a drought.*

28 (2) *Significant and unreasonable reduction of groundwater*
29 *storage.*

30 (3) *Significant seawater intrusion.*

31 (4) *Significant and unreasonable degraded water quality,*
32 *including the migration of contaminant plumes that impair water*
33 *supplies.*

34 (5) *Significant land subsidence that substantially interferes with*
35 *surface land uses.*

36 (6) *Surface water depletions that have significant adverse*
37 *impacts on beneficial uses.*

38 (w) *“Water budget” means an accounting of the total*
39 *groundwater and surface water entering and leaving a basin*
40 *including the changes in the amount of water stored.*

1 (x) “Watermaster” means a watermaster appointed by a court
2 or pursuant to other law.

3 (y) “Water year” means the period from October 1 through the
4 following September 30, inclusive.

5 (z) “Wellhead protection area” means the surface and
6 subsurface area surrounding a water well or well field that supplies
7 a public water system through which contaminants are reasonably
8 likely to migrate toward the water well or well field.

9
10 *CHAPTER 3. BASIN BOUNDARIES*

11
12 10722. Unless other basin boundaries are established pursuant
13 to this chapter, a basin’s boundaries shall be as identified in
14 Bulletin 118.

15 10722.2. (a) A local agency may request that the department
16 revise the boundaries of a basin, including the establishment of
17 new subbasins. A local agency’s request shall be supported by the
18 following information:

19 (1) Information demonstrating that the proposed adjusted basin
20 can be the subject of sustainable groundwater management.

21 (2) Technical information regarding the boundaries of, and
22 conditions in, the proposed adjusted basin.

23 (3) Information demonstrating that the entity proposing the
24 basin boundary adjustment consulted with interested local agencies
25 and public water systems in the affected basins before filing the
26 proposal with the department.

27 (4) Other information the department deems necessary to justify
28 revision of the basin’s boundary.

29 (b) By January 1, 2016, the department shall develop and
30 publish guidelines regarding the information required to comply
31 with subdivision (a). The guidelines required pursuant to this
32 subdivision are exempt from Chapter 3.5 (commencing with Section
33 11340) of Part 1 of Division 3 of Title 2 of the Government Code.

34 (c) The department shall provide a copy of its draft revision of
35 a basin’s boundaries to the California Water Commission. The
36 California Water Commission shall hear and comment on the draft
37 revision within 60 days after the department provides the draft
38 revision to the commission.

1 10722.4. (a) Pursuant to Section 10933, for the purposes of
2 this part the department shall categorize each basin as one of the
3 following priorities:

- 4 (1) High priority.
- 5 (2) Medium priority.
- 6 (3) Low priority.
- 7 (4) Very low priority.

8 (b) The initial priority for each basin shall be established by
9 the department pursuant to Section 10933 no later than January
10 1, 2017.

11
12 CHAPTER 4. ESTABLISHING GROUNDWATER SUSTAINABILITY
13 AGENCIES
14

15 10723. (a) Any local agency or combination of local agencies
16 may elect to be a groundwater sustainability agency.

17 (b) Before electing to be a groundwater sustainability agency,
18 and after publication of notice pursuant to Section 6066 of the
19 Government Code, the local agency or agencies shall hold a public
20 hearing in the county or counties overlying the basin.

21 10723.2. The groundwater sustainability agency shall consider
22 the interests of all beneficial uses and users of groundwater, as
23 well as those responsible for implementing groundwater
24 sustainability plans. These interests include, but are not limited
25 to, all of the following:

26 (a) Holders of overlying groundwater rights, including:

- 27 (1) Agricultural users.
- 28 (2) Domestic well owners.

29 (b) Municipal well operators.

30 (c) Public water systems.

31 (d) Local land use planning agencies.

32 (e) Environmental users of groundwater.

33 (f) Surface water users, if there is a hydrologic connection
34 between surface and groundwater bodies.

35 (g) The federal government, including, but not limited to, the
36 military and managers of federal lands.

37 (h) Indian tribes.

38 10723.4. The groundwater sustainability agency shall establish
39 and maintain a list of persons interested in receiving notices
40 regarding plan preparation, meeting announcements, and

1 availability of draft plans, maps, and other relevant documents.
2 Any person may request, in writing, to be placed on the list of
3 interested persons.

4 10723.6. A combination of local agencies may form a
5 groundwater sustainability agency by using any of the following
6 methods:

7 (a) A joint powers agreement.

8 (b) A memorandum of agreement or other legal agreement.

9 10723.8. Within 30 days of electing to be or forming a
10 groundwater sustainability agency, the groundwater sustainability
11 agency shall inform the department of its election or formation
12 and its intent to undertake sustainable groundwater management.
13 The notification shall include the following information, as
14 applicable:

15 (a) The service area boundaries, the basin the agency is
16 managing, and the other groundwater sustainability agencies
17 operating within the basin.

18 (b) A copy of the resolution forming the new agency.

19 (c) A copy of the bylaws, ordinances, and new authorities.

20 10724. (a) In the event that there is an area within a basin
21 that is not within the management area of a groundwater
22 sustainability agency, the county within which that unmanaged
23 area lies will be presumed to be the groundwater sustainability
24 agency for that area.

25 (b) A county described in subdivision (a) shall provide
26 notification to the department pursuant to Section 10723.8 unless
27 the county notifies the department that it will not be the
28 groundwater sustainability agency for the area. Extractions of
29 groundwater made after 2016 in that area shall be subject to
30 reporting in accordance with Part 5.2 (commencing with Section
31 5200) of Division 2 if the county does either of the following:

32 (1) Notifies the department that it will not be the groundwater
33 sustainability agency for an area.

34 (2) Fails to provide notification to the department pursuant to
35 Section 10723.8 for an area on or before January 1, 2017.

36 CHAPTER 5. POWERS AND AUTHORITIES

37
38
39 10725. (a) A groundwater sustainability agency may exercise
40 any of the powers described in this chapter in implementing this

1 *part, in addition to, and not as a limitation on, any existing*
2 *authority, if the groundwater sustainability agency adopts and*
3 *submits to the department a groundwater sustainability plan or*
4 *prescribed alternative documentation in accordance with Section*
5 *10733.6.*

6 *(b) A groundwater sustainability agency has and may use the*
7 *powers in this chapter to provide the maximum degree of local*
8 *control and flexibility consistent with the sustainability goals of*
9 *this part.*

10 *10725.2. (a) A groundwater sustainability agency may perform*
11 *any act necessary or proper to carry out the purposes of this part.*

12 *(b) A groundwater sustainability agency may adopt rules,*
13 *regulations, ordinances, and resolutions for the purpose of this*
14 *part, in compliance with any procedural requirements applicable*
15 *to the adoption of a rule, regulation, ordinance, or resolution by*
16 *the groundwater sustainability agency.*

17 *(c) In addition to any other applicable procedural requirements,*
18 *the groundwater sustainability agency shall provide notice of the*
19 *proposed adoption of the groundwater sustainability plan on its*
20 *Internet Web site and provide for electronic notice to any person*
21 *who requests electronic notification.*

22 *10725.4. (a) A groundwater sustainability agency may conduct*
23 *an investigation for the purposes of this part, including, but not*
24 *limited to, investigations for the following:*

25 *(1) To determine the need for groundwater management.*

26 *(2) To prepare and adopt a groundwater sustainability plan*
27 *and implementing rules and regulations.*

28 *(3) To propose and update fees.*

29 *(4) To monitor compliance and enforcement.*

30 *(b) An investigation may include surface waters and surface*
31 *water rights as well as groundwater and groundwater rights.*

32 *(c) In connection with an investigation, a groundwater*
33 *sustainability agency may inspect the property or facilities of a*
34 *person or entity to ascertain whether the purposes of this part are*
35 *being met and compliance with this part. The local agency may*
36 *conduct an inspection pursuant to this section upon obtaining any*
37 *necessary consent or obtaining an inspection warrant pursuant*
38 *to the procedure set forth in Title 13 (commencing with Section*
39 *1822.50) of Part 3 of the Code of Civil Procedure.*

1 10725.6. A groundwater sustainability agency may require
2 registration of a groundwater extraction facility within the
3 management area of the groundwater sustainability agency.

4 10725.8. (a) A groundwater sustainability agency may require
5 through its groundwater sustainability plan that the use of every
6 groundwater extraction facility within the management area of
7 the groundwater sustainability agency be measured by a
8 water-measuring device satisfactory to the groundwater
9 sustainability agency.

10 (b) All costs associated with the purchase and installation of
11 the water-measuring device shall be borne by the owner or
12 operator of each groundwater extraction facility. The water
13 measuring devices shall be installed by the groundwater
14 sustainability agency or, at the groundwater sustainability agency's
15 option, by the owner or operator of the groundwater extraction
16 facility. Water-measuring devices shall be calibrated on a
17 reasonable schedule as may be determined by the groundwater
18 sustainability agency.

19 (c) A groundwater sustainability agency may require, through
20 its groundwater sustainability plan, that the owner or operator of
21 a groundwater extraction facility within the groundwater
22 sustainability agency file an annual statement with the groundwater
23 sustainability agency setting forth the total extraction in acre-feet
24 of groundwater from the facility during the previous water year.

25 (d) In addition to the measurement of groundwater extractions
26 pursuant to subdivision (a), a groundwater sustainability agency
27 may use any other reasonable method to determine groundwater
28 extraction.

29 (e) This section does not apply to de minimus extractors.

30 10726. An entity within the area of a groundwater sustainability
31 plan shall only divert surface water to underground storage
32 consistent with the plan and shall report the diversion to
33 underground storage to the groundwater sustainability agency for
34 the relevant portion of the basin.

35 10726.2. A groundwater sustainability agency may do the
36 following:

37 (a) Acquire by grant, purchase, lease, gift, devise, contract,
38 construction, or otherwise, and hold, use, enjoy, sell, let, and
39 dispose of, real and personal property of every kind, including
40 lands, water rights, structures, buildings, rights-of-way, easements,

1 *and privileges, and construct, maintain, alter, and operate any*
2 *and all works or improvements, within or outside the agency,*
3 *necessary or proper to carry out any of the purposes of this part.*

4 *(b) Appropriate and acquire surface water or groundwater and*
5 *surface water or groundwater rights, import surface water or*
6 *groundwater into the agency, and conserve and store within or*
7 *outside the agency that water for any purpose necessary or proper*
8 *to carry out the provisions of this part, including, but not limited*
9 *to, the spreading, storing, retaining, or percolating into the soil*
10 *of the waters for subsequent use or in a manner consistent with*
11 *the provisions of Section 10727.2. As part of this authority, the*
12 *agency may validate an existing groundwater conjunctive use or*
13 *storage program upon a finding that the program would aid or*
14 *assist the agency in developing or implementing a groundwater*
15 *sustainability plan.*

16 *(c) Provide for a program of voluntary fallowing of agricultural*
17 *lands or validate an existing program.*

18 *(d) Perform any acts necessary or proper to enable the agency*
19 *to purchase, transfer, deliver, or exchange water or water rights*
20 *of any type with any person that may be necessary or proper to*
21 *carry out any of the purposes of this part, including, but not limited*
22 *to, providing surface water in exchange for a groundwater*
23 *extractor's agreement to reduce or cease groundwater extractions.*
24 *The agency shall not deliver retail water supplies within the service*
25 *area of a public water system without either the consent of that*
26 *system or authority under the agency's existing authorities.*

27 *(e) Transport, reclaim, purify, desalinate, treat, or otherwise*
28 *manage and control polluted water, wastewater, or other waters*
29 *for subsequent use in a manner that is necessary or proper to carry*
30 *out the purposes of this part.*

31 *(f) Commence, maintain, intervene in, defend, compromise, and*
32 *assume the cost and expenses of any and all actions and*
33 *proceedings.*

34 *10726.4. (a) A groundwater sustainability agency shall have*
35 *the following additional authority and may regulate groundwater*
36 *pumping using that authority:*

37 *(1) To impose spacing requirements on new groundwater well*
38 *construction to minimize well interference and impose reasonable*
39 *operating regulations on existing groundwater wells to minimize*

1 well interference, including requiring pumpers to operate on a
2 rotation basis.

3 (2) To control groundwater extractions by regulating, limiting,
4 or suspending extractions from individual groundwater wells or
5 extractions from groundwater wells in the aggregate, the
6 construction of new groundwater wells, the enlarging of existing
7 groundwater wells, the reactivation of abandoned groundwater
8 wells, or otherwise establishing groundwater extraction
9 allocations. A limitation on extractions by a groundwater
10 sustainability agency shall not be construed to be a final
11 determination of rights to extract groundwater from the basin or
12 any portion of the basin.

13 (3) To authorize temporary and permanent transfers of
14 groundwater extraction allocations within the agency's boundaries,
15 if the total quantity of groundwater extracted in any water year is
16 consistent with the provisions of the groundwater sustainability
17 plan.

18 (4) To establish accounting rules to allow unused groundwater
19 extraction allocations issued by the agency to be carried over from
20 one year to another and voluntarily transferred, if the total quantity
21 of groundwater extracted in any five-year period is consistent with
22 the provisions of the groundwater sustainability plan.

23 (b) Nothing in this section shall be construed to grant a
24 groundwater sustainability agency the authority to issue permits
25 for the construction, modification, or abandonment of groundwater
26 wells. A county may authorize a groundwater sustainability agency
27 to issue permits for the construction, modification, or abandonment
28 of groundwater wells.

29 10726.6. (a) A groundwater sustainability agency that adopts
30 a groundwater sustainability plan may file an action to determine
31 the validity of the plan pursuant to Chapter 9 (commencing with
32 Section 860) of Title 10 of Part 2 of the Code of Civil Procedure.

33 (b) Subject to Sections 394 and 397 of the Code of Civil
34 Procedure, the venue for an action pursuant to this section shall
35 be the county in which the principal office of the groundwater
36 management agency is located.

37 (c) Any judicial action or proceeding to attack, review, set aside,
38 void, or annul the ordinance or resolution imposing a new, or
39 increasing an existing, fee imposed pursuant to Section 10730,

1 10730.2, or 10730.4 shall be brought pursuant to Section 66022
2 of the Government Code.

3 (d) Any person may pay a fee imposed pursuant to Section
4 10730, 10730.2, or 10730.4 under protest and bring an action
5 against the governing body in the superior court to recover any
6 money that the governing body refuses to refund. Payments made
7 and actions brought under this section shall be made and brought
8 in the manner provided for the payment of taxes under protest and
9 actions for refund of that payment in Article 2 (commencing with
10 Section 5140) of Chapter 5 of Part 9 of Division 1 of the Revenue
11 and Taxation Code, as applicable.

12 (e) Except as otherwise provided in this section, actions by a
13 groundwater sustainability agency are subject to judicial review
14 pursuant to Section 1085 of the Code of Civil Procedure.

15 10726.8. (a) This part is in addition to, and not a limitation
16 on, the authority granted to a local agency under any other law.
17 The local agency may use the local agency's authority under any
18 other law to apply and enforce any requirements of this part,
19 including, but not limited to, the collection of fees.

20 (b) Nothing in this part is a limitation on the authority of the
21 board, the department, or the State Department of Public Health.

22 (c) This part does not authorize a local agency to impose any
23 requirement or impose any penalty or fee on the state or any
24 agency, department, or officer of the state. State agencies and
25 departments shall work cooperatively with a local agency on a
26 voluntary basis.

27
28 *CHAPTER 6. GROUNDWATER SUSTAINABILITY PLANS*
29

30 10727. (a) A groundwater sustainability plan shall be
31 developed and implemented for each medium- or high-priority
32 basin by a groundwater sustainability agency to meet the
33 sustainability goal established pursuant to this part. The
34 groundwater sustainability plan may incorporate, extend, or be
35 based on a plan adopted pursuant to Part 2.75 (commencing with
36 Section 10750).

37 (b) A groundwater sustainability plan may be any of the
38 following:

39 (1) A single plan covering the entire basin developed and
40 implemented by one groundwater sustainability agency.

1 (2) A single plan covering the entire basin developed and
2 implemented by multiple groundwater sustainability agencies.

3 (3) Subject to Section 10727.6, multiple plans implemented by
4 multiple groundwater sustainability agencies and coordinated
5 pursuant to a single coordination agreement that covers the entire
6 basin.

7 10727.2. A groundwater sustainability plan shall include all
8 of the following:

9 (a) A description of the physical setting and characteristics of
10 the aquifer system underlying the basin that includes the following:

11 (1) Historical data, to the extent available.

12 (2) Groundwater levels, groundwater quality, subsidence, and
13 groundwater-surface water interaction.

14 (3) A general discussion of historical and projected water
15 demands and supplies.

16 (4) A map that details the area of the basin and the boundaries
17 of the groundwater sustainability agencies that overlie the basin
18 that have or are developing groundwater sustainability plans.

19 (5) A map identifying existing and potential recharge areas for
20 the basin. The map or maps shall identify the existing recharge
21 areas that substantially contribute to the replenishment of the
22 groundwater basin. The map or maps shall be provided to the
23 appropriate local planning agencies after adoption of the
24 groundwater sustainability plan.

25 (b) (1) Measurable objectives, as well as interim milestones in
26 increments of five years, to achieve the sustainability goal in the
27 basin within 20 years of the implementation of the plan.

28 (2) A description of how the plan helps meet each objective and
29 how each objective is intended to achieve the sustainability goal
30 for the basin for long-term beneficial uses of groundwater.

31 (3) Notwithstanding paragraph (1), at the request of the
32 groundwater sustainability agency, the department may grant an
33 extension of up to 10 years beyond the 20-year sustainability
34 timeframe upon a showing of good cause.

35 (c) A planning and implementation horizon of 50 years.

36 (d) Components relating to the following, as applicable to the
37 basin:

38 (1) The monitoring and management of groundwater levels
39 within the basin.

1 (2) *The monitoring and management of groundwater quality,*
2 *groundwater quality degradation, inelastic land surface*
3 *subsidence, and changes in surface flow and surface water quality*
4 *that directly affect groundwater levels or quality or are caused by*
5 *groundwater pumping in the basin.*

6 (3) *Mitigation of overdraft.*

7 (4) *How recharge areas identified in the plan substantially*
8 *contribute to the replenishment of the basin.*

9 (e) *A summary of the type of monitoring sites, type of*
10 *measurements, and the frequency of monitoring for each location*
11 *monitoring groundwater levels, groundwater quality, subsidence,*
12 *streamflow, precipitation, evaporation, and tidal influence. The*
13 *plan shall include a summary of monitoring information such as*
14 *well depth, screened intervals, and aquifer zones monitored, and*
15 *a summary of the type of well relied on for the information,*
16 *including public, irrigation, domestic, industrial, and monitoring*
17 *wells.*

18 (f) *Monitoring protocols that are designed to detect changes in*
19 *groundwater levels, groundwater quality, inelastic surface*
20 *subsidence for basins for which subsidence has been identified as*
21 *a potential problem, and flow and quality of surface water that*
22 *directly affect groundwater levels or quality or are caused by*
23 *groundwater pumping in the basin. The monitoring protocols shall*
24 *be designed to generate information that promotes efficient and*
25 *effective groundwater management.*

26 10727.4. *In addition to the requirements of Section 10727.2,*
27 *a groundwater sustainability plan shall include, where appropriate*
28 *and in collaboration with the appropriate local agencies, all of*
29 *the following:*

30 (a) *Control of saline water intrusion.*

31 (b) *Wellhead protection areas and recharge areas.*

32 (c) *Migration of contaminated groundwater.*

33 (d) *A well abandonment and well destruction program.*

34 (e) *Replenishment of groundwater extractions.*

35 (f) *Activities implementing, opportunities for, and impediments*
36 *to, conjunctive use.*

37 (g) *Well construction policies.*

38 (h) *Measures addressing groundwater contamination cleanup,*
39 *recharge, diversions to storage, conservation, water recycling,*
40 *conveyance, and extraction projects.*

1 (i) *Efficient water management practices, as defined in Section*
2 *10902, for the delivery of water and water conservation methods*
3 *to improve the efficiency of water use.*

4 (j) *Efforts to develop relationships with state and federal*
5 *regulatory agencies.*

6 (k) *Processes to review land use plans and efforts to coordinate*
7 *with land use planning agencies to assess activities that potentially*
8 *create risks to groundwater quality or quantity.*

9 *10727.6. Groundwater sustainability agencies intending to*
10 *develop and implement multiple groundwater sustainability plans*
11 *pursuant to paragraph (3) of subdivision (b) of Section 10727 shall*
12 *coordinate with other agencies preparing a groundwater*
13 *sustainability plan within the basin to ensure that the plans utilize*
14 *the same data for the following assumptions in developing the*
15 *plan:*

16 (a) *Groundwater elevation data.*

17 (b) *Groundwater extraction data.*

18 (c) *Surface water supply.*

19 (d) *Total water use.*

20 (e) *Change in groundwater storage.*

21 (f) *Water budget.*

22 (g) *Sustainable yield.*

23 *10727.8. Prior to initiating the development of a groundwater*
24 *sustainability plan, the groundwater sustainability agency shall*
25 *make available to the public and the department a written statement*
26 *describing the manner in which interested parties may participate*
27 *in the development and implementation of the groundwater*
28 *sustainability plan. The groundwater sustainability agency may*
29 *appoint and consult with an advisory committee consisting of*
30 *interested parties for the purposes of developing and implementing*
31 *a groundwater sustainability plan. The groundwater sustainability*
32 *agency shall encourage the active involvement of diverse social,*
33 *cultural, and economic elements of the population within the*
34 *groundwater basin prior to and during the development and*
35 *implementation of the groundwater sustainability plan.*

36 *10728. (a) Except as provided in subdivision (b), a*
37 *groundwater sustainability agency shall certify that its plan*
38 *complies with this part no later than January 31, 2020, and every*
39 *five years thereafter. A groundwater sustainability agency shall*

1 *submit this certification to the department within 30 days of the*
2 *certification.*

3 *(b) (1) The department may review the submissions made*
4 *pursuant to this section and Section 10733.6 and may request the*
5 *supporting information on which the certification pursuant to*
6 *subdivision (a) relied upon or the other documentation relied upon*
7 *pursuant to subdivision (b) of Section 10733.6. The department*
8 *may issue findings concerning the validity of the certification or*
9 *other submission.*

10 *(2) Before issuing findings pursuant to paragraph (1), the*
11 *department shall transmit a draft of its findings to the submitting*
12 *agency and shall consult with that agency. The submitting agency*
13 *may submit a response to the department within 60 days of*
14 *receiving the department's draft findings.*

15 *(3) If the department's findings issued pursuant to paragraph*
16 *(1) concern the compliance of a plan with requirements for*
17 *sustainable groundwater management or the operation of a basin*
18 *consistent with the basin's sustainable yield, the submitting agency,*
19 *within 90 days of receipt, shall consider amendments to its plan*
20 *or technical analysis to address the department's findings.*

21 *10728.2. A groundwater sustainability agency shall periodically*
22 *evaluate its groundwater sustainability plan, assess changing*
23 *conditions in the basin that may warrant modification of the plan*
24 *or management objectives, and may adjust components in the plan.*
25 *An evaluation of the plan shall focus on determining whether the*
26 *actions under the plan are meeting the plan's management*
27 *objectives and whether those objectives are meeting the*
28 *sustainability goal in the basin.*

29 *10728.4. A groundwater sustainability agency may adopt or*
30 *amend a groundwater sustainability plan if the groundwater*
31 *sustainability agency holds a public hearing and more than 90*
32 *days have passed since the groundwater sustainability agency*
33 *provided notice to a city or county within the area of the proposed*
34 *plan or amendment. The groundwater sustainability agency shall*
35 *obtain comments from any city or county that receives notice*
36 *pursuant to this section and shall consult with a city or county that*
37 *requests consultation within 30 days of receipt of the notice.*
38 *Nothing in this section is intended to preclude an agency and a*
39 *city or county from otherwise consulting or commenting regarding*
40 *the adoption or amendment of a plan.*

CHAPTER 7. TECHNICAL ASSISTANCE

10729. (a) The department or a groundwater sustainability agency may provide technical assistance to entities that extract or use groundwater to promote water conservation and protect groundwater resources.

(b) The department may provide technical assistance to any groundwater sustainability agency in response to that agency's request for assistance in the development and implementation of a groundwater sustainability plan. The department shall use its best efforts to provide the requested assistance.

(c) (1) By January 1, 2017, the department shall publish on its Internet Web site best management practices for the sustainable management of groundwater.

(2) The department shall develop the best management practices through a public process involving one public meeting conducted at a location in northern California, one public meeting conducted at a location in the San Joaquin Valley, one public meeting conducted at a location in southern California, and one public meeting of the California Water Commission.

CHAPTER 8. FINANCIAL AUTHORITY

10730. (a) A groundwater sustainability agency may impose fees, including, but not limited to, permit fees and fees on groundwater extraction or other regulated activity, to fund the costs of a groundwater sustainability program, including, but not limited to, preparation, adoption, and amendment of a groundwater sustainability plan, and program administration, investigations, inspections, compliance assistance, and enforcement. A groundwater sustainability agency shall not impose a fee pursuant to this subdivision on a de minimus extractor unless the agency has regulated the users pursuant to this part.

(b) (1) Prior to imposing or increasing a fee, a groundwater sustainability agency shall hold at least one open and public meeting, at which oral or written presentations may be made as part of the meeting.

(2) Notice of the time and place of the meeting shall include a general explanation of the matter to be considered and a statement that the data required by this section is available. The notice shall

1 *be mailed at least 14 days prior to the meeting to each record*
2 *owner of property within the basin and to any interested party who*
3 *files a written request with the agency for mailed notice of the*
4 *meeting on new or increased fees. A written request for mailed*
5 *notices shall be valid for one year from the date that the request*
6 *is made and may be renewed by making a written request on or*
7 *before April 1 of each year.*

8 *(3) At least 10 days prior to the meeting, the groundwater*
9 *sustainability agency shall make available to the public data upon*
10 *which the proposed fee is based.*

11 *(c) Any action by a groundwater sustainability agency to impose*
12 *or increase a fee shall be taken only by ordinance or resolution.*

13 *(d) (1) As an alternative method for the collection of fees*
14 *imposed pursuant to this section, a groundwater management*
15 *agency may adopt a resolution requesting collection of the fees in*
16 *the same manner as ordinary municipal ad valorem taxes.*

17 *(2) A resolution described in paragraph (1) shall be adopted*
18 *and furnished to the county auditor-controller and board of*
19 *supervisors on or before August 1 of each year that the alternative*
20 *collection of the fees is being requested. The resolution shall*
21 *include a list of parcels and the amount to be collect for each*
22 *parcel.*

23 *(e) The power granted by this section is in addition to any*
24 *powers a groundwater sustainability agency has under any other*
25 *law.*

26 *10730.2. (a) A groundwater sustainability agency that adopts*
27 *a groundwater sustainability plan pursuant to this part may impose*
28 *fees on the extraction of groundwater from the basin to fund costs*
29 *of groundwater management, including, but not limited to, the*
30 *costs of the following:*

31 *(1) Administration, operation, maintenance, and acquisition of*
32 *lands or other property, facilities, and services.*

33 *(2) Supply, production, treatment, or distribution of water.*

34 *(3) Other activities necessary or convenient to implement the*
35 *plan.*

36 *(b) Fees may be implemented pursuant to Part 2.75*
37 *(commencing with Section 10750) in accordance with the*
38 *procedures provided in this section.*

1 (c) Fees imposed pursuant to this section shall be adopted in
2 accordance with subdivisions (a) and (b) of Section 6 of Article
3 XIII D of the California Constitution.

4 (d) Fees imposed pursuant to this section may include fixed fees
5 and fees charged on a volumetric basis, including, but not limited
6 to, fees that increase based on the quantity of groundwater
7 produced annually, the year in which the production of
8 groundwater commenced from a groundwater extraction facility,
9 and impacts to the basin.

10 (e) The power granted by this section is in addition to any
11 powers a groundwater sustainability agency has under any other
12 law.

13 10730.4. A groundwater sustainability agency may fund
14 activities pursuant to Part 2.75 (commencing with Section 10750)
15 and may impose fees pursuant to Section 10732.5 to fund activities
16 undertaken by the agency pursuant to Part 2.75 (commencing with
17 Section 10750).

18 10730.6. (a) A groundwater fee levied pursuant to this chapter
19 shall be due and payable to the groundwater sustainability agency
20 by each owner or operator on a day established by the groundwater
21 sustainability agency.

22 (b) If an owner or operator knowingly fails to pay a groundwater
23 fee within 30 days of it becoming due, the owner or operator shall
24 be liable to the groundwater sustainability agency for interest at
25 the rate of 1 percent per month on the delinquent amount of the
26 groundwater fee and a 10 percent penalty.

27 (c) The groundwater sustainability agency may bring a suit in
28 the court having jurisdiction against any owner or operator of a
29 groundwater extraction facility within the area covered by the
30 plan for the collection of any delinquent groundwater fees, interest,
31 or penalties imposed under this chapter. If the groundwater
32 sustainability agency seeks an attachment against the property of
33 any named defendant in the suit, the groundwater sustainability
34 agency shall not be required to furnish a bond or other undertaking
35 as provided in Title 6.5 (commencing with Section 481.010) of
36 Part 2 of the Code of Civil Procedure.

37 (d) In the alternative to bringing a suit pursuant to subdivision
38 (c), a groundwater sustainability agency may collect any delinquent
39 groundwater charge and any civil penalties and interest on the
40 delinquent groundwater charge pursuant to the laws applicable

1 to the local agency or, if a joint powers authority, to the entity
2 designated pursuant to Section 6509 of the Government Code. The
3 collection shall be in the same manner as it would be applicable
4 to the collection of delinquent assessments, water charges, or tolls.

5 (e) As an additional remedy, a groundwater sustainability
6 agency, after a public hearing, may order an owner or operator
7 to cease extraction of groundwater until all delinquent fees are
8 paid. The groundwater sustainability agency shall give notice to
9 the owner or operator by certified mail not less than 15 days in
10 advance of the public hearing.

11 (f) The remedies specified in this section for collecting and
12 enforcing fees are cumulative and may be pursued alternatively
13 or may be used consecutively as determined by the governing body.

14 10730.8. (a) Nothing in this chapter shall affect or interfere
15 with the authority of a groundwater sustainability agency to levy
16 and collect taxes, assessments, charges, and tolls as otherwise
17 provided by law.

18 (b) For the purposes of Section 6254.16 of the Government
19 Code, persons subject to payment of fees pursuant to this chapter
20 are utility customers of a groundwater sustainability agency.

21 10731. (a) If there is reasonable cause to believe that the
22 production of groundwater from any groundwater extraction
23 facility is in excess of that disclosed by the statements covering
24 the facility or if no statement is filed covering the facility, the
25 governing body may cause an investigation and report to be made
26 concerning the production of groundwater from that groundwater
27 extraction facility that includes, but is not limited to, the accuracy
28 of the water-measuring device. The governing body may make a
29 determination fixing the amount of groundwater production from
30 the groundwater extraction facility at an amount not to exceed the
31 maximum production capacity of the facility for purposes of levying
32 a groundwater charge. If a water-measuring device is permanently
33 attached to the groundwater extraction facility, the record of
34 production as disclosed by the water-measuring device shall be
35 presumed to be accurate unless the contrary is established by the
36 groundwater management agency after investigation.

37 (b) After the governing body makes a determination fixing the
38 amount of groundwater production pursuant to subdivision (a), a
39 written notice of the determination shall be mailed to the owner
40 or operator of the groundwater extraction facility at the address

1 as shown by the groundwater management agency's records. A
2 determination made by the governing body shall be conclusive on
3 the owner or operator and the groundwater charges, based on the
4 determination together with any interest and penalties, shall be
5 payable immediately unless within 10 days after the mailing of the
6 notice the owner or operator files with the governing body a written
7 protest setting forth the ground for protesting the amount of
8 production or the groundwater charges, interest, and penalties. If
9 a protest is filed pursuant to this subdivision, the governing body
10 shall hold a hearing to determine the total amount of the
11 groundwater production and the groundwater charges, interest,
12 and penalties. The determination by the governing body at the
13 hearing shall be conclusive if based upon substantial evidence.
14 Notice of the hearing shall be mailed to each protestant at least
15 10 days before the date fixed for the hearing. Notice of the
16 determination of the governing body hearing shall be mailed to
17 each protestant. The owner or operator shall have 20 days from
18 the date of mailing of the determination to pay the groundwater
19 charges, interest, and penalties determined by the governing body.

20
21 *CHAPTER 9. GROUNDWATER SUSTAINABILITY AGENCY*
22 *ENFORCEMENT POWERS*
23

24 10732. (a) (1) A person who extracts groundwater in excess
25 of the amount that person is authorized to extract under a rule,
26 regulation, ordinance, or resolution adopted pursuant to Section
27 10725.2, shall be subject to a civil penalty not to exceed five
28 hundred dollars (\$500) per acre-foot extracted in excess of the
29 amount that person is authorized to extract. Liability under this
30 subdivision is in addition to any liability imposed under paragraph
31 (2) and any fee imposed for the extraction.

32 (2) A person who violates any rule, regulation, ordinance, or
33 resolution adopted pursuant to Section 10724.2 shall be liable for
34 a civil penalty not to exceed one thousand dollars (\$1,000) plus
35 one hundred dollars (\$100) for each additional day on which the
36 violation continues if the person fails to comply within 30 days
37 after the local agency has notified the person of the violation.

38 (b) (1) A groundwater sustainability agency may bring an action
39 in the superior court to determine whether a violation occurred
40 and to impose a civil penalty described in subdivision (a).

1 (2) A groundwater sustainability agency may administratively
2 impose a civil penalty described in subdivision (a) after providing
3 notice and an opportunity for a hearing.

4 (3) In determining the amount of the penalty, the superior court
5 or the groundwater sustainability agency shall take into
6 consideration all relevant circumstances, including, but not limited
7 to, the nature and persistence of the violation, the extent of the
8 harm caused by the violation, the length of time over which the
9 violation occurs, and any corrective action taken by the violator.

10 (c) A penalty imposed pursuant to this section shall be paid to
11 the groundwater sustainability agency and shall be expended solely
12 for purposes of this part.

13 (d) Penalties imposed pursuant to this section are in addition
14 to any civil penalty or criminal fine under any other law.

15
16 *CHAPTER 10. STATE EVALUATION AND ASSESSMENT*
17

18 10733. (a) The department shall periodically review the
19 groundwater sustainability plans developed by groundwater
20 sustainability agencies pursuant to this part to evaluate whether
21 a plan conforms with Sections 10727.2 and 10727.4 and is likely
22 to achieve the sustainability goal for the basin covered by the
23 groundwater sustainability plan.

24 (b) If a groundwater sustainability agency develops multiple
25 groundwater sustainability plans for a basin, the department shall
26 evaluate whether the plans conform with Sections 10727.2,
27 10727.4, and 10727.6 and are together likely to achieve the
28 sustainability goal for the basin covered by the groundwater
29 sustainability plans.

30 10733.2. (a) By June 1, 2016, the department, in consultation
31 with the board, shall develop guidelines for evaluating
32 groundwater sustainability plans and groundwater sustainability
33 programs pursuant to this chapter.

34 (b) The guidelines shall identify the necessary plan components
35 specified in Sections 10727.2 and 10727.4 and other information
36 that will assist local agencies in developing and implementing
37 groundwater sustainability plans and groundwater sustainability
38 programs.

1 (c) The department may update the guidelines, including to
2 incorporate the best management practices identified pursuant to
3 Section 10729.

4 (d) The guidelines required pursuant to this section are exempt
5 from Chapter 3.5 (commencing with Section 11340) of Part 1 of
6 Division 3 of Title 2 of the Government Code. The establishment
7 of guidelines pursuant to this section shall instead be accomplished
8 by means of a public process reasonably calculated to give
9 interested persons an opportunity to be heard.

10 10733.4. (a) Upon completion of a groundwater sustainability
11 plan, a groundwater sustainability agency shall submit the
12 groundwater sustainability plan to the department for review
13 pursuant to this chapter.

14 (b) If groundwater sustainability agencies develop multiple
15 groundwater sustainability plans for a basin, the submission
16 required by subdivision (a) shall not occur until the entire basin
17 is covered by groundwater sustainability plans. When the entire
18 basin is covered by groundwater sustainability plans, the
19 groundwater sustainability agencies shall jointly submit to the
20 department all of the following:

21 (1) The groundwater sustainability plans.

22 (2) An explanation of how the groundwater sustainability plans
23 implemented together satisfy Section 10729 for the entire basin.

24 (3) A copy of the coordination agreement between the
25 groundwater sustainability agencies to ensure the coordinated
26 implementation of the groundwater sustainability plans for the
27 entire basin.

28 (c) Upon receipt of a groundwater sustainability plan, the
29 department shall post the plan on the department's Internet Web
30 site and provide 60 days for persons to submit comments to the
31 department about the plan.

32 (d) The department shall evaluate the groundwater sustainability
33 plan within two years of its submission by a groundwater
34 sustainability agency and issue an assessment of the plan. The
35 assessment may include recommended corrective actions to address
36 any deficiencies identified by the department.

37 10733.6. (a) If there is not a groundwater sustainability plan
38 for a basin, but a local agency believes that an alternative plan,
39 such as a plan developed pursuant to Part 2.75 (commencing with
40 Section 10750), satisfies the objectives of this part, the local agency

1 *may submit the alternative plan to the department for evaluation*
2 *and assessment of whether the plan is the functional equivalent of*
3 *a groundwater sustainability plan pursuant to this part. In*
4 *evaluating an alternative plan, the department shall, to the extent*
5 *feasible, use the guidelines developed pursuant to Section 10733.2.*

6 *(b) A basin shall be in compliance with this part if a*
7 *groundwater agency for a basin or other local agency submits to*
8 *the department, no later than January 31, 2020, and every five*
9 *years thereafter, any of the following documents:*

10 *(1) A copy of a governing final judgment or other judicial order*
11 *or decree establishing a groundwater sustainability program for*
12 *the basin.*

13 *(2) A report approved by a groundwater agency that shows that*
14 *current management or operations activities have been consistent*
15 *with the sustainable yield of the basin over a period of at least 10*
16 *years. The report shall be prepared by a registered professional*
17 *engineer or geologist who is licensed by the state and submitted*
18 *under that engineer's or geologist's seal. The report may*
19 *demonstrate compliance with the sustainability goal in the basin*
20 *by presenting a balanced water budget for the basin, a technical*
21 *analysis demonstrating stable groundwater levels over the relevant*
22 *period, or other sufficient technical analyses.*

23 *10733.8. At least every five years after submission, the*
24 *department, in consultation with the board, shall review any*
25 *available groundwater sustainability plan, alternative plan*
26 *submitted in accordance with Section 10729.6, and the*
27 *implementation of the corresponding groundwater sustainability*
28 *program for consistency with this part, including achieving the*
29 *sustainability goal. The department shall issue an assessment for*
30 *each basin for which a plan has been submitted in accordance*
31 *with this chapter. The assessment may include recommended*
32 *corrective actions to address any deficiencies identified by the*
33 *department.*

34 *10734. (a) Consistent with Section 3 of Article XIII A of the*
35 *California Constitution, the department shall adopt a schedule of*
36 *fees to recover costs incurred in carrying out this chapter.*

37 *(b) It is the intent of the Legislature to amend this measure to*
38 *adopt additional authority for the department to implement the*
39 *fee authority provided by this section.*

CHAPTER 11. STATE INTERVENTION

10735. As used in this chapter, the following terms have the following meanings:

(a) “Condition of long-term overdraft” means the condition of a groundwater basin where the average annual amount of water extracted for a long-term period, generally 10 years or more, exceeds the long-term average annual supply of water to the basin, plus any temporary surplus. Overdraft during a period of drought is not sufficient to establish a condition of long-term overdraft if extractions and recharge are managed as necessary to ensure that reductions in groundwater levels or storage during a period of drought are offset by increases in groundwater levels or storage during other periods.

(b) “Person” means any person, firm, association, organization, partnership, business, trust, corporation, limited liability company, or public agency, including any city, county, city and county, district, joint powers authority, state, or any agency or department of those entities. “Person” includes, to the extent authorized by federal law, the United States, a department, agency or instrumentality of the federal government, an Indian tribe, an authorized Indian tribal organization, or interstate body.

(c) “Probationary basin” means a basin for which the board has issued a determination under this section.

(d) “Significant depletions of interconnected surface waters” means reductions in flow or levels of a surface water that is hydrologically connected to the basin such that the reduced surface water flow or level adversely affects beneficial uses of the surface water.

10735.2. (a) The board, after notice and a public hearing, may designate a basin as a probationary basin, if the board finds one or more of the following applies to the basin:

(1) After January 1, 2017, none of the following have occurred:

(A) No local agency has elected to be a groundwater sustainability agency that intends to develop a groundwater sustainability plan for the entire basin.

(B) No collection of local agencies has formed a groundwater sustainability agency or prepared agreements to develop one or more groundwater sustainability plans that will collectively serve as a groundwater sustainability plan for the entire basin.

1 (C) *There is no plan developed pursuant to Part 2.75*
2 *(commencing with Section 10750) that satisfies the objectives of*
3 *this part.*

4 (D) *There is no report approved by a groundwater agency that*
5 *shows that current management or operations activities have been*
6 *consistent with the sustainable yield of the basin over a period of*
7 *at least 10 years, as described in paragraph (2) of subdivision (b)*
8 *of Section 10733.6.*

9 (2) *After January 31, 2020, none of the following have occurred:*

10 (A) *No groundwater sustainability agency has adopted a*
11 *groundwater sustainability plan for the entire basin.*

12 (B) *No collection of local agencies have adopted groundwater*
13 *sustainability plans that collectively serve as a groundwater*
14 *sustainability plan for the entire basin.*

15 (C) *The department has not determined that a local agency has*
16 *a functional equivalent as described in Section 10733.6.*

17 (D) *There is no report approved by a groundwater agency that*
18 *shows that current management or operations activities have been*
19 *consistent with the sustainable yield of the basin over a period of*
20 *at least 10 years, as described in paragraph (2) of subdivision (b)*
21 *of Section 10733.6.*

22 (3) *After January 31, 2020, either of the following have*
23 *occurred:*

24 (A) *The department has determined that a groundwater*
25 *sustainability plan is inadequate or that the groundwater*
26 *sustainability program is not being implemented in a manner that*
27 *will likely achieve the sustainability goal.*

28 (B) *The basin is in a condition of long-term overdraft or in a*
29 *condition where groundwater extractions result in significant*
30 *depletions of interconnected surface waters.*

31 (b) (1) *In making the findings associated with subparagraph*
32 *(A) of paragraph (3) of subdivision (a), the board may rely on*
33 *periodic assessments the department has prepared pursuant to*
34 *Chapter 10 (commencing with Section 10733). The board may*
35 *request that the department conduct additional assessments*
36 *utilizing the guidelines developed pursuant to Chapter 10*
37 *(commencing with 10733) and make determinations pursuant to*
38 *this section. The board shall post on its Internet Web site and*
39 *provide at least 30 days for the public to comment on any*

1 *determinations provided by the department pursuant to this*
2 *subdivision.*

3 *(2) The board shall consult with the department in assessing*
4 *technical determinations pursuant to subparagraph (A) of*
5 *paragraph (3) of subdivision (a).*

6 *(c) The determination shall set an amount of groundwater*
7 *extractions, for purposes of establishing the amount for which*
8 *reports of groundwater extraction are required under Part 5.2*
9 *(commencing with Section 5200) of Division 2, and may include*
10 *exclusions for certain classes or categories of extractions that are*
11 *likely to have a minimal impact on basin withdrawals.*

12 *10735.4. (a) If the board designates a basin as a probationary*
13 *basin pursuant to paragraph (1) or (2) of subdivision (a) of Section*
14 *10735.2, a local agency or groundwater sustainability agency*
15 *shall have 180 days to remedy the deficiency. The board may*
16 *appoint a mediator or other facilitator, after consultation with*
17 *affected local agencies, to assist in resolving disputes, and*
18 *identifying and implementing actions that will remedy the*
19 *deficiency.*

20 *(b) After the 180-day period provided by subdivision (a), the*
21 *board may provide additional time to remedy the deficiency if it*
22 *finds that a local agency is making substantial progress toward*
23 *remediating the deficiency.*

24 *(c) The board may develop an interim plan pursuant to Section*
25 *10735.8 for the probationary basin at the end of the time period*
26 *provided by subdivision (a) or any extension provided pursuant*
27 *to subdivision (b), if the board, in consultation with the department,*
28 *determines that a local agency has not remedied the deficiency*
29 *that resulted in designating the basin as a probationary basin*
30 *pursuant to this section.*

31 *10735.6. (a) If the board designates a basin as a probationary*
32 *basin pursuant to paragraph (3) of subdivision (a) of Section*
33 *10735.2, the board shall identify the specific deficiencies and*
34 *identify potential actions to address the deficiencies. The board*
35 *may request the department to provide local agencies, within 90*
36 *days of the designation of a probationary basin, with technical*
37 *recommendations to remedy the deficiencies.*

38 *(b) The board may develop an interim plan pursuant to Section*
39 *10735.8 for the probationary basin one year after the designation*
40 *of the basin pursuant to paragraph (3) of subdivision (a) of Section*

1 10735.2, if the board, in consultation with the department,
2 determines that a local agency has not remedied the deficiency
3 that result in designating the basin a probationary basin.

4 10735.8. (a) The board, after notice and a public hearing,
5 may adopt an interim plan for a probationary basin.

6 (b) The interim plan shall include all of the following:

7 (1) Identification of the actions that are necessary to correct a
8 condition of long-term overdraft or a condition where groundwater
9 extractions result in significant depletions of interconnected surface
10 waters, including recommendations for appropriate action by any
11 person.

12 (2) A time schedule for the actions to be taken.

13 (3) A description of the monitoring to be undertaken to
14 determine effectiveness of the plan.

15 (c) The interim plan may include the following:

16 (1) Restrictions on groundwater pumping or extraction.

17 (2) A physical solution.

18 (3) Principles and guidelines for the administration of rights
19 to surface waters that are connected to the basin.

20 (d) To the extent feasible, consistent with Sections 100 and 275
21 and subdivision (e), the interim plan shall be consistent with water
22 right priorities.

23 (e) Where, in the judgment of the board, a groundwater
24 sustainability plan, groundwater sustainability program, or an
25 adjudication action can be relied on as part of the interim plan,
26 either throughout the basin or in an area within the basin, the
27 board may rely on, or incorporate elements of, that plan, program,
28 or adjudication into the interim plan adopted by the board or allow
29 local agencies to continue implementing those parts of a plan or
30 program that the board determines are adequate.

31 (f) In carrying out activities that may affect the probationary
32 basin, state entities shall comply with an interim plan adopted by
33 the board pursuant to this section unless otherwise directed or
34 authorized by statute and the state entity shall indicate to the board
35 in writing the authority for not complying with the interim plan.

36 (g) (1) After the board adopts an interim plan under this section,
37 the board shall determine if a groundwater sustainability plan or
38 an adjudication action is adequate to eliminate the condition of
39 long-term overdraft or condition where groundwater extractions

1 result in significant depletions of interconnected surface waters,
2 upon petition of either of the following:

3 (A) A groundwater sustainability agency that has adopted a
4 groundwater sustainability plan for the probationary basin or a
5 portion thereof.

6 (B) A person authorized to file the petition by a judicial order
7 or decree entered in an adjudication action in the probationary
8 basin.

9 (2) The board shall act on a petition filed pursuant to paragraph
10 (1) within 90 days after the petition is complete. If the board
11 determines that the groundwater sustainability plan or adjudication
12 action is adequate, the board shall rescind the interim plan adopted
13 by the board for the probationary basin, except as provided in
14 paragraphs (3) and (4).

15 (3) Upon request of the petitioner, the board may amend an
16 interim plan adopted under this section to eliminate portions of
17 the interim plan, while allowing other portions of the interim plan
18 to continue in effect.

19 (4) The board may decline to rescind an interim plan adopted
20 pursuant to this section if the board determines that the petitioner
21 has not provided adequate assurances that the groundwater
22 sustainability plan or judicial order or decree will be implemented.

23 (5) This subdivision is not a limitation on the authority of the
24 board to stay its proceedings under this section or to rescind or
25 amend an interim plan adopted pursuant to this section based on
26 the progress made by a groundwater sustainability agency or in
27 an adjudication action, even if the board cannot make a
28 determination of adequacy in accordance with paragraph (1).

29 10736. (a) The board shall adopt or amend a determination
30 or interim plan under Section 10735.2 or 10735.8 in accordance
31 with procedures for quasi-legislative action.

32 (b) The board shall provide notice of a hearing described in
33 subdivision (a) of Section 10735.2 or subdivision (a) of Section
34 10735.8 as follows:

35 (1) At least 90 days before the hearing, the board shall publish
36 notice of the hearing on its Internet Web site.

37 (2) At least 90 days before the hearing, the board shall notify
38 the department and each city, county, or city and county in which
39 any part of the basin is situated.

1 (3) (A) *For the purposes of this paragraph, the terms*
2 *“board-designated local area” and “local agency” have the same*
3 *meaning as defined in Section 5009.*

4 (B) *At least 60 days before the hearing, the board shall mail or*
5 *send by electronic mail notice to all persons known to the board*
6 *who extract or who propose to extract water from the basin, or*
7 *who have made written or electronic mail requests to the board*
8 *for special notice of hearing pursuant to this part. If any portion*
9 *of the basin is within a board-designated local area, the records*
10 *made available to the board by the local agency in accordance*
11 *with paragraph (4) of subdivision (d) of Section 5009 shall include*
12 *the names and addresses of persons and entities known to the local*
13 *agency who extract water from the basin, and the board shall mail*
14 *or send by electronic mail notice to those persons.*

15 (c) *The board shall provide notice of proceedings to amend or*
16 *repeal a determination or plan under Section 10735.2 or 10735.8*
17 *as appropriate to the proceedings, taking into account the nature*
18 *of the proposed revision and the person likely to be affected.*

19 (d) (1) *Except as provided in paragraphs (2) and (3), Chapter*
20 *3.5 (commencing with Section 11340) of Part 1 of Division 2 of*
21 *Title 2 of the Government Code does not apply to any action*
22 *authorized pursuant to Section 10735.2 or 10735.8.*

23 (2) *The board may adopt a regulation in accordance with*
24 *Chapter 3.5 (commencing with Section 11340) of Part 1 of Division*
25 *2 of Title 2 of the Government Code setting procedures for*
26 *adopting a determination or plan.*

27 (3) *The board may adopt a regulation applying or interpreting*
28 *this part pursuant to Section 1530 if the board determines that the*
29 *emergency regulation is reasonably necessary for the allocation,*
30 *administration, or collection of fees authorized pursuant to Section*
31 *1529.5.*

32 10736.2. *Division 13 (commencing with Section 21000) of the*
33 *Public Resources Code does not apply to any action or failure to*
34 *act by the board under this chapter, other than the adoption or*
35 *amendment of an interim plan pursuant to Section 10735.8.*

36 10736.4. *The extraction or use of water extracted in violation*
37 *of an interim plan under this part shall not be relied upon as a*
38 *basis for establishing the extraction or use of water to support a*
39 *claim in an action or proceeding for determination of water rights.*

1 10736.6. (a) *The board may order a person that extracts or*
2 *uses water from a basin that is subject to an investigation or*
3 *proceeding under this chapter to prepare and submit to the board*
4 *any technical or monitoring program reports related to that*
5 *person's or entity's extraction or use of water as the board may*
6 *specify. The costs incurred by the person in the preparation of*
7 *those reports shall bear a reasonable relationship to the need for*
8 *the report and the benefit to be obtained from the report. If the*
9 *preparation of individual reports would result in a duplication of*
10 *effort, or if the reports are necessary to evaluate the cumulative*
11 *effect of several diversions or uses of water, the board may order*
12 *any person subject to this subdivision to pay a reasonable share*
13 *of the cost of preparing reports.*

14 (b) (1) *An order issued pursuant to this section shall be served*
15 *by personal service or registered mail on the party to submit*
16 *technical or monitoring program reports or to pay a share of the*
17 *costs of preparing reports. Unless the board issues the order after*
18 *a hearing, the order shall inform the party of the right to request*
19 *a hearing within 30 days after the party has been served. If the*
20 *party does not request a hearing within that 30-day period, the*
21 *order shall take effect as issued. If the party requests a hearing*
22 *within that 30-day period, the board may adopt a decision and*
23 *order after conducting a hearing.*

24 (2) *In-lieu of adopting an order directed at named persons in*
25 *accordance with the procedures specified in paragraph (1), the*
26 *board may adopt a regulation applicable to a category or class*
27 *of persons in accordance with Chapter 3.5 (commencing with*
28 *Section 11340) of Part 1 of Division 2 of Title 2 of the Government*
29 *Code.*

30 (c) *Upon application of a person or upon its own motion, the*
31 *board may review and revise an order issued or regulation adopted*
32 *pursuant to this section in accordance with the procedures set*
33 *forth in subdivision (b).*

34 (d) *In conducting an investigation or proceeding pursuant to*
35 *this part, the board may inspect the property or facilities of a*
36 *person to ascertain whether the purposes of this part are being*
37 *met and to ascertain compliance with this part. The board may*
38 *obtain an inspection warrant pursuant to the procedures set forth*
39 *in Title 13 (commencing with Section 1822.50) of Part 3 of the*

1 *Code of Civil Procedure for the purposes of an inspection pursuant*
2 *to this subdivision.*

3 *SEC. 11. Section 10750.1 is added to the Water Code, to read:*

4 *10750.1. (a) Beginning January 1, 2015, a new plan shall not*
5 *be adopted and an existing plan shall not be renewed pursuant to*
6 *this part, except as provided in subdivision (b). A plan adopted*
7 *before January 1, 2015, shall remain in effect until a groundwater*
8 *sustainability plan is adopted pursuant to Part 2.74 (commencing*
9 *with Section 10720).*

10 *(b) This section does not apply to a low- or very low priority*
11 *basin as categorized for the purposes of Part 2.74 (commencing*
12 *with Section 10720).*

13 *SEC. 12. Section 10927 of the Water Code is amended to read:*

14 *10927. Any of the following entities may assume responsibility*
15 *for monitoring and reporting groundwater elevations in all or a*
16 *part of a basin or subbasin in accordance with this part:*

17 *(a) A watermaster or water management engineer appointed by*
18 *a court or pursuant to statute to administer a final judgment*
19 *determining rights to groundwater.*

20 *(b) (1) A groundwater management agency with statutory*
21 *authority to manage groundwater pursuant to its principal act that*
22 *is monitoring groundwater elevations in all or a part of a*
23 *groundwater basin or subbasin on or before January 1, 2010.*

24 *(2) A water replenishment district established pursuant to*
25 *Division 18 (commencing with Section 60000). This part does not*
26 *expand or otherwise affect the authority of a water replenishment*
27 *district relating to monitoring groundwater elevations.*

28 *(3) A groundwater sustainability agency with statutory authority*
29 *to manage groundwater pursuant to Part 2.74 (commencing with*
30 *Section 10720).*

31 *(c) A local agency that is managing all or part of a groundwater*
32 *basin or subbasin pursuant to Part 2.75 (commencing with Section*
33 *10750) and that was monitoring groundwater elevations in all or*
34 *a part of a groundwater basin or subbasin on or before January 1,*
35 *2010, or a local agency or county that is managing all or part of a*
36 *groundwater basin or subbasin pursuant to any other legally*
37 *enforceable groundwater management plan with provisions that*
38 *are substantively similar to those described in that part and that*
39 *was monitoring groundwater elevations in all or a part of a*
40 *groundwater basin or subbasin on or before January 1, 2010.*

(d) A local agency that is managing all or part of a groundwater basin or subbasin pursuant to an integrated regional water management plan prepared pursuant to Part 2.2 (commencing with Section 10530) that includes a groundwater management component that complies with the requirements of Section 10753.7.

(e) A local agency that has been collecting and reporting groundwater elevations and that does not have an adopted groundwater management plan, if the local agency adopts a groundwater management plan in accordance with Part 2.75 (commencing with Section 10750) by January 1, 2014. The department may authorize the local agency to conduct the monitoring and reporting of groundwater elevations pursuant to this part on an interim basis, until the local agency adopts a groundwater management plan in accordance with Part 2.75 (commencing with Section 10750) or until January 1, 2014, whichever occurs first.

(f) A county that is not managing all or a part of a groundwater basin or subbasin pursuant to a legally enforceable groundwater management plan with provisions that are substantively similar to those described in Part 2.75 (commencing with Section 10750).

(g) A voluntary cooperative groundwater monitoring association formed pursuant to Section 10935.

SEC. 13. Section 10933 of the Water Code is amended to read:

~~10933. (a) On or before January 1, 2012, the~~ The department shall commence to identify the extent of monitoring of groundwater elevations that is being undertaken within each basin and subbasin.

(b) (1) The department shall prioritize groundwater basins and subbasins for the purpose of implementing this section. In prioritizing the basins and subbasins, the department shall, to the extent data are available, consider all of the following:

~~(1)~~

(A) The population overlying the basin or subbasin.

~~(2)~~

(B) The rate of current and projected growth of the population overlying the basin or subbasin.

~~(3)~~

(C) The number of public supply wells that draw from the basin or subbasin.

~~(4)~~

1 (D) The total number of wells that draw from the basin or
2 subbasin.

3 ~~(5)~~

4 (E) The irrigated acreage overlying the basin or subbasin.

5 ~~(6)~~

6 (F) The degree to which persons overlying the basin or subbasin
7 rely on groundwater as their primary source of water.

8 ~~(7)~~

9 (G) Any documented impacts on the groundwater within the
10 basin or subbasin, including overdraft, subsidence, saline intrusion,
11 and other water quality degradation.

12 ~~(8)~~

13 (H) Any other information determined to be relevant by the
14 department.

15 (2) *The department, in consultation with the Department of Fish*
16 *and Wildlife, shall identify and develop prioritization criteria for*
17 *the purpose of identifying groundwater basins and subbasins that*
18 *should be prioritized based on adverse impacts to habitat and*
19 *surface water resources. The criteria shall be incorporated into*
20 *the determination of basin and subbasin prioritization at the*
21 *department's next update of basin and subbasin prioritizations*
22 *that occurs after January 1, 2017.*

23 (c) If the department determines that all or part of a basin or
24 subbasin is not being monitored pursuant to this part, the
25 department shall do all of the following:

26 (1) Attempt to contact all well owners within the area not being
27 monitored.

28 (2) Determine if there is an interest in establishing any of the
29 following:

30 (A) A groundwater management plan pursuant to Part 2.75
31 (commencing with Section 10750).

32 (B) An integrated regional water management plan pursuant to
33 Part 2.2 (commencing with Section 10530) that includes a
34 groundwater management component that complies with the
35 requirements of Section 10753.7.

36 (C) A voluntary groundwater monitoring association pursuant
37 to Section 10935.

38 (d) If the department determines that there is sufficient interest
39 in establishing a plan or association described in paragraph (2) of
40 subdivision (c), or if the county agrees to perform the groundwater

1 monitoring functions in accordance with this part, the department
2 shall work cooperatively with the interested parties to comply with
3 the requirements of this part within two years.

4 (e) If the department determines, with regard to a basin or
5 subbasin, that there is insufficient interest in establishing a plan
6 or association described in paragraph (2) of subdivision (c), and
7 if the county decides not to perform the groundwater monitoring
8 and reporting functions of this part, the department shall do all of
9 the following:

10 (1) Identify any existing monitoring wells that overlie the basin
11 or subbasin that are owned or operated by the department or any
12 other state or federal agency.

13 (2) Determine whether the monitoring wells identified pursuant
14 to paragraph (1) provide sufficient information to demonstrate
15 seasonal and long-term trends in groundwater elevations.

16 (3) If the department determines that the monitoring wells
17 identified pursuant to paragraph (1) provide sufficient information
18 to demonstrate seasonal and long-term trends in groundwater
19 elevations, the department shall not perform groundwater
20 monitoring functions pursuant to Section 10933.5.

21 (4) If the department determines that the monitoring wells
22 identified pursuant to paragraph (1) provide insufficient
23 information to demonstrate seasonal and long-term trends in
24 groundwater elevations, the department shall perform groundwater
25 monitoring functions pursuant to Section 10933.5.

26 *SEC. 14. Section 12924 of the Water Code is amended to read:*

27 12924. (a) The department, in conjunction with other public
28 agencies, shall conduct an investigation of the state's groundwater
29 basins. The department shall identify the state's groundwater basins
30 on the basis of geological and hydrological conditions and
31 consideration of political boundary lines whenever practical. The
32 department shall also investigate existing general patterns of
33 groundwater pumping and groundwater recharge within those
34 basins to the extent necessary to identify basins that are subject to
35 critical conditions of overdraft.

36 (b) *The department may revise the boundaries of groundwater*
37 *basins identified in subdivision (a) based on its own investigations*
38 *or information provided by others.*

39 ~~(b)~~

1 (c) The department shall report its findings to the Governor and
2 the Legislature not later than January 1, 2012, and thereafter in
3 years ending in 5 or 0.

4 *SEC. 15. The provisions of this act are severable. If any*
5 *provision of this act or its application is held invalid, that invalidity*
6 *shall not affect other provisions or applications that can be given*
7 *effect without the invalid provision or application.*

8 *SEC. 16. No reimbursement is required by this act pursuant*
9 *to Section 6 of Article XIII B of the California Constitution for*
10 *certain costs that may be incurred by a local agency or school*
11 *district because, in that regard, this act creates a new crime or*
12 *infraction, eliminates a crime or infraction, or changes the penalty*
13 *for a crime or infraction, within the meaning of Section 17556 of*
14 *the Government Code, or changes the definition of a crime within*
15 *the meaning of Section 6 of Article XIII B of the California*
16 *Constitution.*

17 *However, if the Commission on State Mandates determines that*
18 *this act contains other costs mandated by the state, reimbursement*
19 *to local agencies and school districts for those costs shall be made*
20 *pursuant to Part 7 (commencing with Section 17500) of Division*
21 *4 of Title 2 of the Government Code.*

22 *SEC. 17. The Legislature finds and declares that Section 5 of*
23 *this act, which adds Section 10730.8 to the Water Code, imposes*
24 *a limitation on the public's right of access to the meetings of public*
25 *bodies or the writings of public officials and agencies within the*
26 *meaning of Section 3 of Article I of the California Constitution.*
27 *Pursuant to that constitutional provision, the Legislature makes*
28 *the following findings to demonstrate the interest protected by this*
29 *limitation and the need for protecting that interest:*

30 *In order to allow this act to fully accomplish its goals, it is*
31 *necessary to protect proprietary information submitted pursuant*
32 *to this act as confidential. Therefore, it is in the state's interest to*
33 *limit public access to this information.*

34 ~~SECTION 1. Section 65302.12 is added to the Government~~
35 ~~Code, to read:~~

36 ~~65302.12. Prior to the adoption or any substantial amendment~~
37 ~~of a city or county's general plan, the planning agency shall review,~~
38 ~~and if necessary, revise the land use, conservation, open space, or~~
39 ~~any other element of the general plan to address any of the~~
40 ~~following:~~

~~(a) An adoption of, or update to, a groundwater sustainability plan or groundwater management plan pursuant to Part 2.74 (commencing with Section 10720) or Part 2.75 (commencing with Section 10750) of Division 6 of the Water Code or groundwater management court order, judgment, or decree.~~

~~(b) An adjudication of water rights such as an adjudication pursuant to Chapter 10 (commencing with Section 10742) of Part 2.74 of Division 6 of the Water Code.~~

~~(c) An order by the State Water Resources Control Board pursuant to Chapter 9 (commencing with Section 10738) of Part 2.74 of Division 6 of the Water Code.~~

~~SEC. 2. Section 65352 of the Government Code is amended to read:~~

~~65352. (a) Prior to action by a legislative body to adopt or substantially amend a general plan, the planning agency shall refer the proposed action to all of the following entities:~~

~~(1) A city or county, within or abutting the area covered by the proposal, and any special district that may be significantly affected by the proposed action, as determined by the planning agency.~~

~~(2) An elementary, high school, or unified school district within the area covered by the proposed action.~~

~~(3) The local agency formation commission.~~

~~(4) An areawide planning agency whose operations may be significantly affected by the proposed action, as determined by the planning agency.~~

~~(5) A federal agency if its operations or lands within its jurisdiction may be significantly affected by the proposed action, as determined by the planning agency.~~

~~(6) (A) The branches of the United States Armed Forces that have provided the Office of Planning and Research with a California mailing address pursuant to subdivision (d) of Section 65944 when the proposed action is within 1,000 feet of a military installation, or lies within special use airspace, or beneath a low-level flight path, as defined in Section 21098 of the Public Resources Code, provided that the United States Department of Defense provides electronic maps of low-level flight paths, special use airspace, and military installations at a scale and in an electronic format that is acceptable to the Office of Planning and Research.~~

1 ~~(B) Within 30 days of a determination by the Office of Planning~~
2 ~~and Research that the information provided by the Department of~~
3 ~~Defense is sufficient and in an acceptable scale and format, the~~
4 ~~office shall notify cities, counties, and cities and counties of the~~
5 ~~availability of the information on the Internet. Cities, counties, and~~
6 ~~cities and counties shall comply with subparagraph (A) within 30~~
7 ~~days of receiving this notice from the office.~~

8 ~~(7) A public water system, as defined in Section 116275 of the~~
9 ~~Health and Safety Code, with 3,000 or more service connections,~~
10 ~~that serves water to customers within the area covered by the~~
11 ~~proposal. The public water system shall have at least 45 days to~~
12 ~~comment on the proposed plan, in accordance with subdivision~~
13 ~~(b), and to provide the planning agency with the information set~~
14 ~~forth in Section 65352.5.~~

15 ~~(8) Any local agency or joint powers authority that has adopted~~
16 ~~a groundwater sustainability plan pursuant to Part 2.74~~
17 ~~(commencing with Section 10720) of Division 6 of the Water Code~~
18 ~~or that otherwise manages groundwater pursuant to other provisions~~
19 ~~of law or a court order, judgment, or decree within the planning~~
20 ~~area of the proposed general plan.~~

21 ~~(9) The State Water Resources Control Board if it has adopted~~
22 ~~a groundwater sustainability plan pursuant to Part 2.74~~
23 ~~(commencing with Section 10720) of Division 6 of the Water Code~~
24 ~~that includes territory within the planning area of the proposed~~
25 ~~general plan.~~

26 ~~(10) The Bay Area Air Quality Management District for a~~
27 ~~proposed action within the boundaries of the district.~~

28 ~~(11) On and after March 1, 2005, a California Native American~~
29 ~~tribe, that is on the contact list maintained by the Native American~~
30 ~~Heritage Commission, with traditional lands located within the~~
31 ~~city or county's jurisdiction.~~

32 ~~(12) The Central Valley Flood Protection Board for a proposed~~
33 ~~action within the boundaries of the Sacramento and San Joaquin~~
34 ~~Drainage District, as set forth in Section 8501 of the Water Code.~~

35 ~~(b) Each entity receiving a proposed general plan or amendment~~
36 ~~of a general plan pursuant to this section shall have 45 days from~~
37 ~~the date the referring agency mails it or delivers it in which to~~
38 ~~comment unless a longer period is specified by the planning~~
39 ~~agency.~~

1 ~~(e) (1) This section is directory, not mandatory, and the failure~~
2 ~~to refer a proposed action to the other entities specified in this~~
3 ~~section does not affect the validity of the action, if adopted.~~

4 ~~(2) To the extent that the requirements of this section conflict~~
5 ~~with the requirements of Chapter 4.4 (commencing with Section~~
6 ~~65919), the requirements of Chapter 4.4 shall prevail.~~

7 ~~SEC. 3.— Section 65352.5 of the Government Code is amended~~
8 ~~to read:~~

9 ~~65352.5. (a) The Legislature finds and declares that it is vital~~
10 ~~that there be close coordination and consultation between~~
11 ~~California's water supply or management agencies and California's~~
12 ~~land use approval agencies to ensure that proper water supply and~~
13 ~~management planning occurs in order to accommodate projects~~
14 ~~that will result in increased demands on water supplies or impact~~
15 ~~water resource management.~~

16 ~~(b) It is, therefore, the intent of the Legislature to provide a~~
17 ~~standardized process for determining the adequacy of existing and~~
18 ~~planned future water supplies to meet existing and planned future~~
19 ~~demands on these water supplies and the impact of land use~~
20 ~~decisions on the management of California's water supply~~
21 ~~resources.~~

22 ~~(c) Upon receiving, pursuant to Section 65352, notification of~~
23 ~~a city's or a county's proposed action to adopt or substantially~~
24 ~~amend a general plan, a public water system, as defined in Section~~
25 ~~116275 of the Health and Safety Code, with 3,000 or more service~~
26 ~~connections, shall provide the planning agency with the following~~
27 ~~information, as is appropriate and relevant:~~

28 ~~(1) The current version of its urban water management plan,~~
29 ~~adopted pursuant to Part 2.6 (commencing with Section 10610)~~
30 ~~of Division 6 of the Water Code.~~

31 ~~(2) The current version of its capital improvement program or~~
32 ~~plan, as reported pursuant to Section 31144.73 of the Water Code.~~

33 ~~(3) A description of the source or sources of the total water~~
34 ~~supply currently available to the water supplier by water right or~~
35 ~~contract, taking into account historical data concerning wet, normal,~~
36 ~~and dry runoff years.~~

37 ~~(4) A description of the quantity of surface water that was~~
38 ~~purveyed by the water supplier in each of the previous five years.~~

39 ~~(5) A description of the quantity of groundwater that was~~
40 ~~purveyed by the water supplier in each of the previous five years.~~

1 ~~(6) A description of all proposed additional sources of water~~
2 ~~supplies for the water supplier, including the estimated dates by~~
3 ~~which these additional sources should be available and the~~
4 ~~quantities of additional water supplies that are being proposed.~~

5 ~~(7) A description of the total number of customers currently~~
6 ~~served by the water supplier, as identified by the following~~
7 ~~categories and by the amount of water served to each category:~~

8 ~~(A) Agricultural users.~~

9 ~~(B) Commercial users.~~

10 ~~(C) Industrial users.~~

11 ~~(D) Residential users.~~

12 ~~(8) Quantification of the expected reduction in total water~~
13 ~~demand, identified by each customer category set forth in paragraph~~
14 ~~(7), associated with future implementation of water use reduction~~
15 ~~measures identified in the water supplier's urban water~~
16 ~~management plan.~~

17 ~~(9) Any additional information that is relevant to determining~~
18 ~~the adequacy of existing and planned future water supplies to meet~~
19 ~~existing and planned future demands on these water supplies.~~

20 ~~(10) A report on the anticipated effect of proposed action to~~
21 ~~adopt or substantially amend a general plan on implementation of~~
22 ~~a groundwater sustainability plan pursuant to Part 2.74~~
23 ~~(commencing with Section 10720) of Division 6 of the Water~~
24 ~~Code.~~

25 ~~(d) Upon receiving, pursuant to Section 65352, notification of~~
26 ~~a city's or county's proposed action to adopt or substantially amend~~
27 ~~a general plan, a groundwater sustainability agency, as defined in~~
28 ~~Section 10720.5 of the Water Code, shall provide the planning~~
29 ~~agency with the following information, as is appropriate and~~
30 ~~relevant:~~

31 ~~(1) The current version of its groundwater sustainability plan~~
32 ~~adopted pursuant to Part 2.74 (commencing with Section 10720)~~
33 ~~of Division 6 of the Water Code.~~

34 ~~(2) If the groundwater sustainability agency manages~~
35 ~~groundwater pursuant to a court order, judgment, decree, or~~
36 ~~agreement among affected water rights holders, or if the State~~
37 ~~Water Resources Control Board has adopted a groundwater~~
38 ~~sustainability plan pursuant to Part 2.74 (commencing with Section~~
39 ~~10720) of Division 6 of the Water Code, the groundwater~~
40 ~~sustainability agency shall provide the planning agency with maps~~

1 of recharge basins and percolation ponds, extraction limitations,
2 and other relevant information, or the court order, judgment, or
3 decree.

4 (e) A groundwater sustainability agency that has given notice
5 of intention to adopt a groundwater sustainability plan, but has not
6 adopted a plan, shall provide a report to the planning agency on
7 the anticipated effect of proposed action to adopt or substantially
8 amend a general plan on adoption of the groundwater sustainability
9 plan and on the impacts of the proposed action on sustainable
10 management of groundwater.

11 SEC. 4. Section 1242.1 is added to the Water Code, to read:

12 1242.1. It is the policy of the state to encourage conjunctive
13 use of surface and groundwater. To that end, the Legislature
14 declares that the storage of water underneath the ground is a
15 beneficial use of water.

16 SEC. 5. Part 2.74 (commencing with Section 10720) is added
17 to Division 6 of the Water Code, to read:

18
19 PART 2.74. GROUNDWATER SUSTAINABILITY PLANNING

20
21 CHAPTER 1. TITLE AND POLICY

22
23 10720. This part shall be known, and may be cited, as the
24 “Sustainable Groundwater Management Act of 2014.”

25 10720.1. In enacting this part, it is the intent of the Legislature
26 that all of the following occur:

27 (a) The enhancement of local management of groundwater
28 consistent with rights to use or store groundwater and Section 2
29 of Article X of the California Constitution. It is the intent of the
30 Legislature to preserve and enhance the security of water rights in
31 the state to the greatest extent possible consistent with the
32 sustainable management of groundwater.

33 (b) The establishment of minimum standards for groundwater
34 management together with the requisite authority and funding.

35 (c) The avoidance or minimization of subsidence.

36 (d) The improvement of data collection and understanding about
37 groundwater.

38 (e) The increase in groundwater storage and removal of
39 impediments to recharge.

40 (f) The provision of state technical and financial assistance.

1 (g) ~~The management of groundwater basins through the actions~~
2 ~~of local governmental agencies to the greatest extent feasible, while~~
3 ~~minimizing state intervention to only when necessary to ensure~~
4 ~~that local agencies manage groundwater in a sustainable manner.~~

5 (h) ~~The intervention by the state when necessary to ensure that~~
6 ~~local agencies manage groundwater in a sustainable manner.~~

7
8 CHAPTER 2. DEFINITIONS
9

10 10720.5. ~~Unless the context otherwise requires, the following~~
11 ~~definitions govern the construction of this part:~~

12 (a) ~~“Adjudication action” means an action filed in the superior~~
13 ~~court to determine the rights to extract groundwater from a basin~~
14 ~~or store water within a basin, including, but not limited to, actions~~
15 ~~to quiet title respecting rights to extract or store groundwater or~~
16 ~~an action brought to impose a physical solution on a basin.~~

17 (b) ~~“Agricultural water supplier” has the same meaning as~~
18 ~~defined in Section 10608.12.~~

19 (c) ~~“Basin” means a groundwater basin or subbasin identified~~
20 ~~and defined in Bulletin 118 or as modified pursuant to Chapter 10~~
21 ~~(commencing with Section 10742).~~

22 (d) ~~“Bulletin 118” means the department’s report entitled~~
23 ~~“California’s Groundwater: Bulletin 118” updated in 2003, as it~~
24 ~~may be subsequently updated or revised in accordance with Section~~
25 ~~12924 or Chapter 4 (commencing with Section 10723).~~

26 (e) ~~“De minimus producer” means a person who extracts, for~~
27 ~~domestic purposes, 2 acre feet or less per year.~~

28 (f) ~~“Governing body” means the legislative body of a~~
29 ~~groundwater sustainability agency.~~

30 (g) ~~“Groundwater” means water beneath the natural surface of~~
31 ~~the ground, in fully saturated pore spaces within the soil or rock,~~
32 ~~excluding those waters that are flowing through natural known~~
33 ~~and definite channels.~~

34 (h) ~~“Groundwater extraction facility” means a pump or other~~
35 ~~mechanism for extracting groundwater from within a basin.~~

36 (i) ~~“Groundwater sustainability agency” means either a local~~
37 ~~agency or a joint powers authority formed by local agencies that~~
38 ~~implements the provisions of this part with respect to a groundwater~~
39 ~~sustainability plan. For purposes of imposing fees pursuant to~~
40 ~~Chapter 7 (commencing with Section 10732) or taking action to~~

1 enforce a groundwater management plan, “groundwater
2 management agency” also means each local agency comprising
3 the groundwater management agency if the plan authorizes separate
4 agency action.

5 (j) “Groundwater sustainability plan” or “plan” means a plan
6 of a groundwater sustainability agency proposed or adopted
7 pursuant to this part.

8 (k) “Groundwater sustainability program” means a coordinated
9 and ongoing activity undertaken to benefit a basin, pursuant to a
10 groundwater sustainability plan.

11 (l) “Local agency” means a local public agency, including, but
12 not limited to, a city, county, irrigation district, county water
13 district, municipal water district, California water district, water
14 storage district, reclamation district, or other special district that
15 provides water or water management service within a groundwater
16 basin.

17 (m) “Monitoring entity” means an entity identified by the
18 department pursuant to Section 10930.

19 (n) “Operator” means a person operating a groundwater
20 extraction facility. The owner of a groundwater extraction facility
21 shall be conclusively presumed to be the operator unless a
22 satisfactory showing is made to the governing body of the
23 groundwater sustainability agency that the groundwater extraction
24 facility actually is operated by some other person.

25 (o) “Owner” means a person owning a groundwater extraction
26 facility or an interest in a groundwater extraction facility other
27 than a lien to secure the payment of a debt or other obligation.

28 (p) “Planning and implementation horizon” means a 50-year
29 time period over which a groundwater sustainability agency
30 determines that plans and measures will be implemented in a basin
31 to ensure that the basin is operated within its sustainable yield.

32 (q) “Public water system” has the same meaning as defined in
33 Section 116275 of the Health and Safety Code.

34 (r) “Recharge” means the process by which a basin is
35 replenished with water whether by natural or artificial means or
36 in-lieu.

37 (s) “Sustainability goal” means the existence and implementation
38 of one or more groundwater sustainability plans that achieve
39 sustainable groundwater management by identifying and causing

1 the implementation of measures targeted to ensure that the
2 applicable basin is operated within its sustainable yield.

3 (t) “Sustainable groundwater management” means the
4 management and use of groundwater in a manner that can be
5 maintained during the planning and implementation horizon
6 without causing unreasonable adverse environmental, economic,
7 or social consequences through the development, implementation,
8 and updating of plans and programs based on the best available
9 science, monitoring, forecasting, and use of technological
10 resources, as determined by a groundwater sustainability agency.

11 (u) “Sustainable yield” means the maximum quantity of water,
12 calculated over a base period representative of long-term conditions
13 in the basin and including any temporary surplus, that can be
14 withdrawn annually from a groundwater supply without causing
15 an undesirable result.

16 (v) “Undesirable result” means one or more of the following
17 effects occurring after January 1, 2015, and caused by groundwater
18 conditions occurring throughout the basin:

19 (1) Chronic lowering of groundwater levels indicating a
20 significant and unreasonable depletion of supply if continued over
21 the planning and implementation horizon, excluding lowering
22 groundwater levels caused by a drought.

23 (2) Significant and unreasonable reduction of groundwater
24 storage.

25 (3) Significant seawater intrusion.

26 (4) Significant and unreasonable degraded water quality,
27 including the migration of contaminant plumes that impair water
28 supplies.

29 (5) Significant land subsidence that substantially interferes with
30 surface land uses.

31 (6) Surface water depletions that have significant adverse
32 impacts on species listed under the federal Endangered Species
33 Act of 1973 (16 U.S.C. Sec. 1531 et seq.) or the California
34 Endangered Species Act (Chapter 1.5 (commencing with Section
35 2050) of Division 3 of the Fish and Game Code).

36 (w) “Water year” means the period from October 1 through the
37 following September 30, inclusive.

CHAPTER 3. GENERAL PROVISIONS

~~10721. Subject to Section 10736, by January 31, 2020, all basins designated as high- or medium-priority basins by the department pursuant to Section 10933 shall be managed under a groundwater sustainability plan or coordinated groundwater sustainability plans pursuant to this part. The Legislature encourages basins designated as low priority basins by the department pursuant to Section 10933 to be managed under groundwater sustainability plans pursuant to this part as soon as possible.~~

~~10721.5. Groundwater management pursuant to this part shall be consistent with Section 2 of Article X of the California Constitution. Nothing in this part modifies rights or priorities to use or store groundwater consistent with Section 2 of Article X of the California Constitution, except that in medium- and high-priority basins, no extraction of groundwater between January 1, 2015, and December 31, 2020, or the date of adoption of a groundwater sustainability plan pursuant to this part, whichever is sooner, may be used as evidence of, or to establish or defend against, any claim of prescription.~~

~~10722. (a) A groundwater sustainability agency that adopts a groundwater sustainability plan may file an action to determine the validity of the plan pursuant to Chapter 9 (commencing with Section 860) of Title 10 of Part 2 of the Code of Civil Procedure.~~

~~(b) Subject to Sections 394 and 397 of the Code of Civil Procedure, the venue for an action pursuant to this section shall be the county in which the principal office of the groundwater management agency is located.~~

~~(c) Any judicial action or proceeding to attack, review, set aside, void, or annul the ordinance or resolution imposing a new, or increasing an existing, fee imposed pursuant to Section 10732, 10732.5, or 10733 shall be brought pursuant to Section 66022 of the Government Code.~~

~~(d) Any person may pay a fee imposed pursuant to Section 10732, 10732.5, or 10733 under protest and bring an action against the governing body in the superior court to recover any money that the governing body refuses to refund. Payments made and actions brought under this section shall be made and brought in the manner provided for the payment of taxes under protest and~~

1 actions for refund of that payment in Article 2 (commencing with
2 Section 5140) of Chapter 5 of Part 9 of Division 1 of the Revenue
3 and Taxation Code, as applicable.

4 (e) ~~Any action by a landowner or other water right holder to~~
5 ~~attach, review, set aside, void, or annul an extraction allocation~~
6 ~~established by a groundwater sustainability plan shall be brought~~
7 ~~pursuant to the expedited adjudication procedures of Chapter 10~~
8 ~~(commencing with Section 10742).~~

9 (f) ~~Except as otherwise provided in this section, actions by a~~
10 ~~groundwater sustainability agency are subject to judicial review~~
11 ~~pursuant to Section 1085 of the Code of Civil Procedure.~~

12 ~~10722.5.—Except for Chapter 10 (commencing with Section~~
13 ~~10742), this part does not apply to any of the following agencies~~
14 ~~that are implementing basin-specific management plans:~~

15 ~~(a) Desert Water Agency.~~

16 ~~(b) Fox Canyon Groundwater Management Agency.~~

17 ~~(c) Honey Lake Valley Groundwater Management District.~~

18 ~~(d) Long Valley Groundwater Management District.~~

19 ~~(e) Mendocino City Community Services District.~~

20 ~~(f) Mono County Tri-Valley Groundwater Management District.~~

21 ~~(g) Monterey Peninsula Water Management District.~~

22 ~~(h) Ojai Groundwater Management Agency.~~

23 ~~(i) Orange County Water District.~~

24 ~~(j) Pajaro Valley Water Management Agency.~~

25 ~~(k) Santa Clara Valley Water District.~~

26 ~~(l) Sierra Valley Water District.~~

27 ~~(m) Willow Creek Groundwater Management Agency.~~

28
29 CHAPTER 4. BASIN BOUNDARIES
30

31 ~~10723.—Unless other basin boundaries are established pursuant~~
32 ~~to this chapter, a basin's boundaries shall be as identified in~~
33 ~~Bulletin 118.~~

34 ~~10723.5.—(a) The department shall consider proposals to adjust~~
35 ~~the boundaries of a basin in accordance with the following:~~

36 ~~(1) A proposal shall be supported by the following information:~~

37 ~~(A) Information to demonstrate that the proposed adjusted basin~~
38 ~~can be the subject of sustainable groundwater management. It shall~~
39 ~~not be necessary that the information show that a proposed adjusted~~
40 ~~basin currently is subject to sustainable groundwater management.~~

1 ~~(B) A technical report concerning the boundaries of, and~~
2 ~~conditions in, the proposed adjusted basin that is stamped by a~~
3 ~~registered civil engineer or certified hydrologist.~~

4 ~~(C) Information demonstrating that the entity proposing the~~
5 ~~basin boundary adjustment consulted with interested local agencies~~
6 ~~and public water systems in the basin before filing the proposal~~
7 ~~with the department.~~

8 ~~(2) A proposal may be supported by information concerning~~
9 ~~historic management of the proposed adjusted basin.~~

10 ~~(3) The department shall circulate a draft decision by the~~
11 ~~department no fewer than 60 days before the department adopts~~
12 ~~that decision.~~

13 ~~(b) The department shall require anyone who proposes a basin~~
14 ~~boundary adjustment to serve the basin boundary adjustment~~
15 ~~proposal on other interested parties and to submit responses to~~
16 ~~proposals for basin boundary adjustments to the department.~~

17 ~~(e) (1) All proposals to adjust basin boundaries pursuant to this~~
18 ~~section shall be filed with the department by July 1, 2016.~~

19 ~~(2) The department shall issue all decisions concerning~~
20 ~~adjustments to basin boundaries pursuant to this section by January~~
21 ~~1, 2018.~~

22 ~~(3) The department may provide for expedited processing to~~
23 ~~consider proposals to adjust basin boundaries if necessary to~~
24 ~~expedite consideration of the boundaries of a basin that is subject~~
25 ~~to an adjudication action.~~

26 ~~(d) The adjustment of boundaries pursuant to this section~~
27 ~~includes the subdivision of a basin.~~

28 ~~(e) (1) By January 1, 2016, the department shall adopt~~
29 ~~emergency regulations to implement this section in an open and~~
30 ~~public process that includes the following:~~

31 ~~(A) An opportunity for the public to submit proposals for the~~
32 ~~regulations to the department by April 1, 2015.~~

33 ~~(B) Circulation of draft regulations by the department by August~~
34 ~~1, 2015, for public review and comment.~~

35 ~~(2) The department shall adopt emergency regulations pursuant~~
36 ~~to this section in accordance with Chapter 3.5 (commencing with~~
37 ~~Section 11340) of Part 1 of Division 3 of Title 2 of the Government~~
38 ~~Code. The adoption of these regulations shall be deemed to be an~~
39 ~~emergency and shall be considered by the Office of Administrative~~
40 ~~Law as necessary for the immediate preservation of the public~~

1 peace, health, safety, and general welfare. Notwithstanding Chapter
2 3.5 (commencing with Section 11340) of Part 1 of Division 3 of
3 Title 2 of the Government Code, any emergency regulation adopted
4 by the department pursuant to this section shall remain in effect
5 until revised by the department.

6 10724. (a) ~~The department shall review all of the basin~~
7 ~~boundaries identified in Bulletin 118 and publish any necessary~~
8 ~~revisions to those boundaries by January 1, 2023, in an update of~~
9 ~~Bulletin 118. As indicated by the best available technical~~
10 ~~information, including the groundwater sustainability plans that~~
11 ~~groundwater sustainability agencies submitted to the department~~
12 ~~in 2020, the department shall adjust the boundaries of basins and~~
13 ~~define any subdivisions of existing basins as new basins. In~~
14 ~~adjusting a basin's boundaries and defining any subdivisions of~~
15 ~~an existing basin as a new basin, the department shall determine~~
16 ~~whether those adjustments would result in a basin that would~~
17 ~~support sustainable groundwater management. In revising basin~~
18 ~~boundaries for an update of Bulletin 118, the department shall~~
19 ~~favor definitions of basins that enable the most practical and~~
20 ~~effective groundwater management.~~

21 (b) ~~In updating basin boundaries pursuant to this section, the~~
22 ~~department shall comply with the procedures applicable to a formal~~
23 ~~rulemaking under the Administrative Procedure Act (Chapter 3.5~~
24 ~~(commencing with Section 11340) of Part 1 of Division 3 of Title~~
25 ~~2 of the Government Code).~~

26
27 CHAPTER 5. IDENTIFICATION OF GROUNDWATER
28 SUSTAINABILITY AGENCIES
29

30 10725. ~~To the extent practicable, a groundwater sustainability~~
31 ~~plan developed in accordance with this part shall be coterminous~~
32 ~~and augment groundwater management plans developed pursuant~~
33 ~~to Part 2.75 (commencing with Section 10750).~~

34 10725.5. (a) ~~A groundwater management agency that has~~
35 ~~adopted a groundwater management plan that meets the~~
36 ~~requirements of Part 2.75 (commencing with Section 10750) prior~~
37 ~~to January 1, 2014, shall be presumed to be the groundwater~~
38 ~~sustainability agency to develop a basin sustainability plan in~~
39 ~~accordance with this part. The groundwater sustainability agency~~
40 ~~may adopt a resolution of intent to prepare a groundwater~~

1 sustainability plan in accordance with this part no later than January
2 1, 2016. The groundwater sustainability agency shall submit an
3 adopted resolution of intent to the department within 30 days of
4 its adoption.

5 (b) If a resolution of intent is not adopted and submitted as
6 provided in subdivision (a), the county that the groundwater
7 management plan area is located in may, by January 1, 2017, do
8 either of the following:

9 (1) Adopt and submit to the department a resolution of intent
10 to adopt a groundwater sustainability plan for the area.

11 (2) Request any other local agency or joint powers authority
12 providing water or water management services within the
13 groundwater management plan areas to adopt and submit to the
14 department a resolution of intent to adopt a groundwater
15 management plan for that area.

16 (c) If a resolution of intent is not adopted and submitted as
17 provided in subdivision (a) or (b), any local agency or joint powers
18 authority in the basin may adopt and submit to the department a
19 resolution of intent to adopt a groundwater sustainability plan for
20 the basin.

21 (d) If no resolution of intent is adopted and submitted as
22 provided in subdivision (a), (b), or (c), subdivision (a) of Section
23 10726 shall apply.

24 (e) If a groundwater sustainability agency or other local agency
25 submits prescribed alternative documentation in accordance with
26 Section 10736, the agency also shall adopt a resolution of intent
27 to comply with this part not later than January 1, 2016. The
28 resolution of intent shall be provided to the department within 30
29 days of adoption of the resolution.

30 10726. If any portion of a basin is outside the jurisdictional
31 boundary of any groundwater sustainability plan as adopted or as
32 intended to be prepared according to a resolution of intent pursuant
33 to Section 10725.5, that portion of the basin shall be coordinated
34 with the nearest groundwater sustainability plan in any of the
35 following ways:

36 (a) (1) The landowners and other groundwater users in the
37 unmanaged area may elect to form a new public agency or private
38 corporation for the purpose of cooperating in the groundwater
39 management plan or may petition to be annexed into an existing
40 public agency.

1 ~~(2) If the landowners and other groundwater users choose to~~
2 ~~form a new public agency or request to be annexed into an existing~~
3 ~~agency, the local agency formation commission shall complete~~
4 ~~proceedings on the formation of the agency or the annexation of~~
5 ~~the area and serve as the conducting authority within six months~~
6 ~~from the date the landowners and other groundwater users file a~~
7 ~~formation or annexation application with the commission.~~

8 ~~(b) A groundwater sustainability agency may utilize existing~~
9 ~~authority to annex or otherwise bring any unmanaged land into its~~
10 ~~boundaries for purposes of the agency's plan or to otherwise extend~~
11 ~~the geographic reach of the plan to include unmanaged areas of~~
12 ~~the basin. In the event that a local agency seeks to annex lands for~~
13 ~~the purpose of developing a groundwater sustainability plan, the~~
14 ~~local agency formation commission shall complete proceedings~~
15 ~~in accordance with the schedule set forth in paragraph (2) of~~
16 ~~subdivision (a).~~

17 ~~(c) If a groundwater sustainability agency cannot or elects not~~
18 ~~to annex or otherwise extend boundaries to include the unmanaged~~
19 ~~areas, a county that overlies the basin may utilize existing authority~~
20 ~~to cause the development of a groundwater sustainability plan for~~
21 ~~the unmanaged areas. A county may, by resolution or ordinance,~~
22 ~~delegate this authority to a local agency, in which case the local~~
23 ~~agency formation commission shall take appropriate action to~~
24 ~~ensure that all areas overlying a groundwater basin are within the~~
25 ~~boundaries of one or more of the agencies developing the~~
26 ~~groundwater sustainability plan. The local agency formation~~
27 ~~commission shall complete actions pursuant to this subdivision~~
28 ~~no later than January 1, 2017.~~

29 ~~(d) If by January 1, 2017, an area overlying a basin is not within~~
30 ~~the jurisdiction of a local agency that is participating in the~~
31 ~~development of a groundwater sustainability plan, the board may,~~
32 ~~after notice and a hearing, order one or more local agencies~~
33 ~~developing a groundwater sustainability plan to include the area~~
34 ~~within the plan.~~

35 ~~10726.5. (a) If more than one groundwater sustainability plan~~
36 ~~exists or is developed for a basin, the plans shall be coordinated~~
37 ~~through a joint powers agreement, memorandum of understanding,~~
38 ~~or similar agreement. The agreement or memorandum of~~
39 ~~understanding shall ensure that multiple groundwater sustainability~~

1 plans advance sustainable groundwater management of the basin
2 as a whole.

3 (b) If by July 1, 2017, the groundwater sustainability agencies
4 within a basin cannot come to an agreement to coordinate
5 groundwater sustainability plans, a groundwater sustainability
6 agency may petition the board, no later than June 30, 2017, to do
7 either of the following:

8 (1) Appoint a single groundwater sustainability agency to
9 develop the groundwater sustainability plan for the basin.

10 (2) Impose an alternative governance structure with a governing
11 board that is representative of the local agencies within the basin.

12 (c) If the board appoints a groundwater sustainability agency
13 or imposes a governance structure pursuant to subdivision (b), the
14 board may consider factors that will best foster sustainable
15 groundwater management as a whole, including, but not limited
16 to, the following:

17 (1) The geographic extent and governmental authorities of
18 existing groundwater management agencies, local agencies, and
19 any relevant county.

20 (2) The financial and technical resources available to the relevant
21 public agencies to implement a groundwater sustainability plan.

22 (3) The technical groundwater information and data available
23 to the relevant local agencies.

24 (4) The relevant local agencies' history of groundwater
25 management.

26 (d) The board may utilize available processes and authorities
27 to appoint the groundwater sustainability agency or impose a
28 governance structure pursuant to subdivision (b), and may conduct
29 hearings, workshops, and other information gathering processes
30 to inform its determination.

31 (e) The board shall appoint a groundwater sustainability agency
32 or impose a governance structure pursuant to subdivision (b) no
33 later than June 30, 2018.

34 (f) If multiple groundwater sustainability plans cover different
35 portions of a basin, each plan shall not conflict with or impede
36 sustainable groundwater management relating to any other plan
37 in the basin.

38 10727. A groundwater sustainability plan may include criteria
39 to exempt small domestic pumping of groundwater for use on
40 overlying lands in unmanaged areas of the basin if the groundwater

1 sustainability agency determines that the exclusion of the pumping
2 will not otherwise affect sustainable management of the basin
3 pursuant to this part.

4
5 CHAPTER 6. MANAGEMENT TOOLS
6

7 10728. (a) A groundwater sustainability agency may exercise
8 any of the powers described in this chapter in implementing this
9 part, in addition to, and not as a limitation on, any existing
10 authority, if the groundwater sustainability agency adopts and
11 submits to the department a groundwater sustainability plan or
12 prescribed alternative documentation in accordance with Section
13 10736.

14 (b) A groundwater sustainability agency has and may use the
15 powers in this chapter to provide the maximum degree of local
16 control and flexibility consistent with the sustainability goals of
17 this part.

18 10728.5. (a) A groundwater sustainability agency may perform
19 any act necessary or proper to carry out the purposes of this part,
20 including, but not limited to, the performance of an agreement,
21 acting jointly or in cooperation with the United States, any state,
22 county, city, district of any kind, public or private corporation,
23 association, firm, or individual, or any combination of them.

24 (b) A groundwater sustainability agency may perform any acts
25 necessary or proper for the performance of an agreement with the
26 United States, any state, county, city, district of any kind, public
27 or private corporation, association, firm, or individual, or any
28 combination of them, for the joint acquisition, construction, leasing,
29 ownership, disposition, use, management, maintenance, repair, or
30 operation of any rights, works, or other property of a kind that may
31 be useful in implementing the purposes of this part.

32 (c) A groundwater sustainability agency may adopt rules and
33 regulations for the purpose of this part, in compliance with any
34 procedural requirements applicable to the adoption of rules and
35 regulations by the groundwater sustainability agency. In addition
36 to any other applicable procedural requirements, the groundwater
37 sustainability agency shall provide notice of the proposed adoption
38 of the groundwater sustainability agency on its Internet Web site
39 and provide for electronic notice to any person who requests
40 electronic notification.

1 ~~(d) This part shall apply to the United States and an Indian tribe~~
2 ~~to the extent authorized under federal or tribal law.~~

3 ~~(e) This part shall apply to the state and its agencies and~~
4 ~~departments and to local agencies to the same extent as a person~~
5 ~~regulated by a groundwater sustainability plan. A groundwater~~
6 ~~sustainability agency shall not impose a penalty pursuant to this~~
7 ~~part on the state or its agencies, departments, or officers.~~

8 ~~(f) Notwithstanding any other law, in any judicial action~~
9 ~~authorized by this part, the court shall direct that a prevailing party~~
10 ~~that is a groundwater sustainability agency, or owner or operator~~
11 ~~of a groundwater extraction facility, shall be awarded the~~
12 ~~reasonable attorney's fees and costs relating to an action authorized~~
13 ~~pursuant to this part.~~

14 ~~10729. (a) A groundwater sustainability agency may conduct~~
15 ~~an investigation for the purposes of this part, including, but not~~
16 ~~limited to, investigations for the following:~~

- 17 ~~(1) To determine the need for groundwater management.~~
18 ~~(2) To prepare and adopt a groundwater sustainability plan and~~
19 ~~implementing rules and regulations.~~
20 ~~(3) To propose and update fees.~~
21 ~~(4) To monitor compliance and enforcement.~~

22 ~~(b) An investigation may include surface waters and surface~~
23 ~~water rights as well as groundwater and groundwater rights.~~

24 ~~(c) In connection with an investigation, a groundwater~~
25 ~~sustainability agency may inspect the property or facilities of a~~
26 ~~person or entity to ascertain whether the purposes of this part are~~
27 ~~being met and compliance with this part. The local agency may~~
28 ~~conduct an inspection pursuant to this section upon obtaining any~~
29 ~~necessary consent or obtaining an inspection warrant pursuant to~~
30 ~~the procedure set forth in Title 13 (commencing with Section~~
31 ~~1822.50) of Part 3 of the Code of Civil Procedure.~~

32 ~~10729.5. (a) Each groundwater extraction facility within a~~
33 ~~groundwater sustainability agency shall be registered with the~~
34 ~~groundwater sustainability agency if the groundwater sustainability~~
35 ~~plan provides for establishing a groundwater charge pursuant to~~
36 ~~this part or for otherwise regulating groundwater extractions. The~~
37 ~~groundwater sustainability agency may, by resolution or ordinance,~~
38 ~~establish reasonable requirements for the registration of a~~
39 ~~groundwater extraction facility.~~

1 (b) ~~Any form used to register a groundwater extraction facility~~
2 ~~pursuant to this section shall not be made available for inspection~~
3 ~~by the public. The groundwater sustainability agency may use~~
4 ~~information from the form to develop or implement a groundwater~~
5 ~~sustainability program or plan pursuant to this part.~~

6 (e) ~~An owner or operator of a groundwater extraction facility~~
7 ~~that fails to register the facility within a time period provided for~~
8 ~~in a groundwater sustainability plan shall become jointly and~~
9 ~~severally liable to the groundwater sustainability agency for a~~
10 ~~penalty of one thousand dollars (\$1,000) per unregistered~~
11 ~~groundwater extraction facility.~~

12 ~~10730. (a) A groundwater sustainability agency may require~~
13 ~~through its groundwater sustainability plan that the use of every~~
14 ~~groundwater extraction facility within the groundwater~~
15 ~~sustainability agency be measured no less than 60 days after~~
16 ~~registration by a water-measuring device satisfactory to the~~
17 ~~groundwater sustainability agency. If water-measuring devices are~~
18 ~~required by the groundwater sustainability plan, an owner or~~
19 ~~operator of a groundwater extraction facility that fails to install a~~
20 ~~satisfactory water-measuring device within the 60-day time period~~
21 ~~shall be jointly and severally liable to the groundwater~~
22 ~~sustainability agency for a penalty of one thousand dollars (\$1,000)~~
23 ~~per groundwater extraction facility lacking a water-measuring~~
24 ~~device.~~

25 ~~(b) All costs associated with the purchase and installation of~~
26 ~~the water-measuring device shall be borne by the owner or operator~~
27 ~~of each groundwater extraction facility. The water measuring~~
28 ~~devices shall be installed by the groundwater sustainability agency~~
29 ~~or, at the groundwater sustainability agency's option, by the owner~~
30 ~~or operator of the groundwater extraction facility. Water-measuring~~
31 ~~devices shall be calibrated on a reasonable schedule as may be~~
32 ~~determined by the groundwater sustainability agency.~~

33 ~~(c) A groundwater sustainability agency may require, through~~
34 ~~its groundwater sustainability plan, that the owner or operator of~~
35 ~~a groundwater extraction facility within the groundwater~~
36 ~~sustainability agency file an annual statement with the groundwater~~
37 ~~sustainability agency setting forth the total extraction in acre-feet~~
38 ~~of groundwater from the facility during the previous year. If filing~~
39 ~~of groundwater extraction statements is required by the~~
40 ~~groundwater sustainability plan, an owner or operator of a~~

~~groundwater extraction facility that fails to file a timely groundwater extraction statement shall be jointly and severally liable to the groundwater sustainability agency for a penalty of one thousand dollars (\$1,000) per groundwater extraction facility without a filed groundwater extraction statement per each month since the date the first penalty could have been imposed by the groundwater sustainability agency.~~

~~(d) In addition to the measurement of groundwater extractions pursuant to subdivision (a), a groundwater sustainability agency may use any other reasonable method to determine groundwater extraction.~~

~~(e) This section does not apply to de minimus extractors.~~

~~10730.5. An entity within the area of a groundwater sustainability plan shall only divert surface water to underground storage consistent with the plan and shall report the diversion to underground storage to the groundwater sustainability agency for the relevant portion of the basin.~~

~~10731. A groundwater sustainability agency may do the following:~~

~~(a) Acquire by grant, purchase, lease, gift, devise, contract, construction, or otherwise, and hold, use, enjoy, sell, let, and dispose, of real and personal property of every kind, including lands, water rights, structures, buildings, rights-of-way, easements, and privileges, and construct, maintain, alter, and operate any and all works or improvements, within or outside the agency, necessary or proper to carry out any of the purposes of this part.~~

~~(b) Appropriate and acquire surface water or groundwater and surface water or groundwater rights, import surface water or groundwater into the agency, and conserve and store within or outside the agency that water for any purpose necessary or proper to carry out the provisions of this part, including, but not limited to, the spreading, storing, retaining, or percolating into the soil of the waters for subsequent use or in a manner consistent with the provisions of Section 10735. As part of this authority, the agency may validate an existing groundwater conjunctive use or storage program upon a finding that the program would aid or assist the agency in developing or implementing a groundwater sustainability plan.~~

~~(c) Provide for a program of voluntary fallowing of agricultural lands or validate an existing program.~~

1 ~~(d) Perform any acts necessary or proper to enable the agency~~
2 ~~to purchase, transfer, deliver, or exchange water or water rights of~~
3 ~~any type with any person that may be necessary or proper to carry~~
4 ~~out any of the purposes of this part, including, but not limited to,~~
5 ~~providing surface water in exchange for a groundwater extractor's~~
6 ~~agreement to reduce or cease groundwater extractions. The agency~~
7 ~~shall not deliver retail water supplies within the service area of a~~
8 ~~public water system without either the consent of that system or~~
9 ~~authority under the agency's existing authorities.~~

10 ~~(e) Transport, reclaim, purify, desalinate, treat, or otherwise~~
11 ~~manage and control polluted water, wastewater, or other waters~~
12 ~~for subsequent use in a manner that is necessary or proper to carry~~
13 ~~out the purposes of this part.~~

14 ~~(f) Whenever, in the opinion of the agency's governing board,~~
15 ~~the public interest or convenience may require, it may order any~~
16 ~~work or improvement that it is authorized to undertake to be done~~
17 ~~in accordance with the procedures and pursuant to the provisions~~
18 ~~of the Improvement Act of 1911 (Division 7 (commencing with~~
19 ~~Section 5000) of the Streets and Highways Code), the Improvement~~
20 ~~Bond Act of 1915 (Division 10 (commencing with Section 8500)~~
21 ~~of the Streets and Highways Code), or the Municipal Improvement~~
22 ~~Act of 1913 (Division 12 (commencing with Section 10000) of~~
23 ~~the Streets and Highways Code).~~

24 ~~(g) Commence, maintain, intervene in, defend, compromise,~~
25 ~~and assume the cost and expenses of any and all actions and~~
26 ~~proceedings.~~

27 ~~10731.5. A groundwater sustainability agency shall have the~~
28 ~~following additional authority and may regulate groundwater~~
29 ~~pumping using that authority by means of ordinance or resolution:~~

30 ~~(a) To impose spacing requirements on new groundwater well~~
31 ~~construction to minimize well interference and impose reasonable~~
32 ~~operating regulations on existing groundwater wells to minimize~~
33 ~~well interference, including requiring pumpers to operate on a~~
34 ~~rotation basis.~~

35 ~~(b) To control groundwater extractions by regulating, limiting,~~
36 ~~or suspending extractions from individual groundwater wells or~~
37 ~~extractions from groundwater wells in the aggregate, the~~
38 ~~construction of new groundwater wells, the enlarging of existing~~
39 ~~groundwater wells, the reactivation of abandoned groundwater~~
40 ~~wells, or otherwise establishing groundwater extraction allocations.~~

1 A limitation on extractions by a groundwater sustainability agency
2 shall not be construed to be a final determination of rights to extract
3 groundwater from the basin or any portion of the basin. A
4 groundwater sustainability agency may use the expedited
5 adjudication procedures in Chapter 10 (commencing with Section
6 10742) in establishing groundwater extraction allocations.

7 (e) To authorize temporary and permanent transfers of
8 groundwater extraction allocations within the agency's boundaries;
9 if the total quantity of groundwater extracted in any year is
10 consistent with the provisions of the groundwater sustainability
11 plan.

12 (d) To establish accounting rules to allow unused groundwater
13 extraction allocations issued by the agency to be carried over from
14 one year to another and voluntarily transferred, if the total quantity
15 of groundwater extracted in any five-year period is consistent with
16 the provisions of the groundwater sustainability plan.

17
18 CHAPTER 7. FINANCIAL AUTHORITY
19

20 10732. (a) A groundwater sustainability agency may impose
21 fees, including, but not limited to, permit fees and fees on
22 groundwater extraction or other regulated activity, to fund the costs
23 of a groundwater sustainability program, including, but not limited
24 to, preparation, adoption, and amendment of a groundwater
25 sustainability plan, and program administration, investigations,
26 inspections, compliance assistance, and enforcement. A
27 groundwater sustainability agency shall not impose a fee pursuant
28 to this subdivision on a de minimus producer unless the agency
29 has regulated the users pursuant to this part.

30 (b) Prior to imposing or increasing a fee, a groundwater
31 sustainability agency shall hold at least one open and public
32 meeting, at which oral or written presentations may be made as
33 part of the meeting.

34 (1) Notice of the time and place of the meeting shall include a
35 general explanation of the matter to be considered and a statement
36 that the data required by this section is available. The notice shall
37 be mailed at least 14 days prior to the meeting to each record owner
38 of property within the basin and to any interested party who files
39 a written request with the agency for mailed notice of the meeting
40 on new or increased fees. A written request for mailed notices shall

1 be valid for one year from the date that the request is made and
2 may be renewed by making a written request on or before April 1
3 of each year.

4 (2) At least 10 days prior to the meeting, the groundwater
5 sustainability agency shall make available to the public data upon
6 which the proposed fee is based.

7 (e) Any action by a groundwater sustainability agency to impose
8 or increase a fee shall be taken only by ordinance or resolution.

9 (d) (1) As an alternative method for the collection of fees
10 imposed pursuant to this section, a groundwater management
11 agency may adopt a resolution requesting collection of the fees in
12 the same manner as ordinary municipal ad valorem taxes.

13 (2) A resolution described in paragraph (1) shall be adopted and
14 furnished to the county auditor and board of supervisors on or
15 before August 1 of each year that the alternative collection of the
16 fees is being requested. The resolution shall include a list of parcels
17 and the amount to be collect for each parcel.

18 (e) The power granted by this section is in addition to any
19 powers a groundwater sustainability agency has under any other
20 law.

21 10732.5. (a) A groundwater sustainability agency that adopts
22 a groundwater sustainability plan pursuant to this part may impose
23 fees on the extraction of groundwater from the basin to fund costs
24 of groundwater management, including, but not limited to, the
25 costs of the following:

26 (1) Administration, operation, maintenance, and acquisition of
27 lands or other property, facilities, and services.

28 (2) Supply, production, treatment, or distribution of water.

29 (3) Other activities necessary or convenient to implement the
30 plan.

31 (b) Fees may be implemented pursuant to Part 2.75
32 (commencing with Section 10750) in accordance with the
33 procedures provided in this section.

34 (c) Fees imposed pursuant to this section shall be adopted in
35 accordance with subdivisions (a) and (b) of Section 6 of Article
36 XIII D of the California Constitution.

37 (d) Fees imposed pursuant to this section may include fixed fees
38 and fees charged on a volumetric basis, including, but not limited
39 to, fees that increase based on the quantity of groundwater produced
40 annually, the year in which the production of groundwater

1 commenced from a groundwater extraction facility, and impacts
2 to the basin.

3 ~~(e) The power granted by this section is in addition to any~~
4 ~~powers a groundwater sustainability agency has under any other~~
5 ~~law.~~

6 ~~10733. A groundwater sustainability agency may fund activities~~
7 ~~pursuant to Part 2.75 (commencing with Section 10750) and may~~
8 ~~impose fees pursuant to Section 10732.5 to fund activities~~
9 ~~undertaken by the agency pursuant to Part 2.75 (commencing with~~
10 ~~Section 10750).~~

11 ~~10733.5. (a) A groundwater fee levied pursuant to this chapter~~
12 ~~shall be due and payable to the groundwater sustainability agency~~
13 ~~by each owner or operator on a day established by the groundwater~~
14 ~~sustainability agency.~~

15 ~~(b) If an owner or operator knowingly fails to pay a groundwater~~
16 ~~charge within 30 days of it becoming due, the owner or operator~~
17 ~~shall be liable to the groundwater sustainability agency for interest~~
18 ~~at the rate of 1 percent per month on the delinquent amount of the~~
19 ~~groundwater charge and a 10 percent penalty.~~

20 ~~(c) The groundwater sustainability agency may bring a suit in~~
21 ~~the court having jurisdiction against any owner or operator of a~~
22 ~~groundwater extraction facility within the area covered by the plan~~
23 ~~for the collection of any delinquent groundwater charges, interest,~~
24 ~~or penalties imposed under this chapter. If the groundwater~~
25 ~~sustainability agency seeks an attachment against the property of~~
26 ~~any named defendant in the suit, the groundwater sustainability~~
27 ~~agency shall not be required to furnish bond or other undertaking~~
28 ~~as provided in Title 6.5 (commencing with Section 481.010) of~~
29 ~~Part 2 of the Code of Civil Procedure.~~

30 ~~(d) In the alternative to bringing a suit pursuant to subdivision~~
31 ~~(c), a groundwater sustainability agency may collect any delinquent~~
32 ~~groundwater charge and any civil penalties and interest on the~~
33 ~~delinquent groundwater charge pursuant to the laws applicable to~~
34 ~~the local agency or, if a joint powers authority, to the entity~~
35 ~~designated pursuant to Section 6509 of the Government Code. The~~
36 ~~collection shall be in the same manner as it would be applicable~~
37 ~~to the collection of delinquent assessments, water charges, or tolls.~~

38 ~~(e) As an additional remedy, a groundwater sustainability~~
39 ~~agency, after a public hearing, may order an owner or operator to~~
40 ~~cease extraction of groundwater until all delinquent fees are paid.~~

1 The groundwater sustainability agency shall give notice to the
2 owner or operator by certified mail not less than 15 days in advance
3 of the public hearing.

4 (f) The remedies specified in this section for collecting and
5 enforcing fees are cumulative and may be pursued alternatively
6 or may be used consecutively as determined by the governing
7 body.

8 10734. (a) Nothing in this chapter shall affect or interfere with
9 the authority of a groundwater sustainability agency to levy and
10 collect taxes, assessments, charges, and tolls as otherwise provided
11 by law.

12 (b) For the purposes of Section 6254.16 of the Government
13 Code, persons subject to payment of fees pursuant to this chapter
14 are utility customers of a groundwater sustainability agency.

15 10734.5. (a) If there is reasonable cause to believe that the
16 production of groundwater from any groundwater extraction facility
17 is in excess of that disclosed by the statements covering the facility
18 or if no statement is filed covering the facility, then the governing
19 body may cause an investigation and report to be made concerning
20 the production of groundwater from that groundwater extraction
21 facility that includes, but is not limited to, the accuracy of the
22 water-measuring device. The governing body may make a
23 determination fixing the amount of groundwater production from
24 the groundwater extraction facility at an amount not to exceed the
25 maximum production capacity of the facility for purposes of
26 levying a groundwater charge. If a water-measuring device is
27 permanently attached to the groundwater extraction facility, the
28 record of production as disclosed by the water-measuring device
29 shall be presumed to be accurate unless the contrary is established
30 by the groundwater management agency after investigation.

31 (b) After the governing body makes a determination fixing the
32 amount of groundwater production pursuant to subdivision (a), a
33 written notice of the determination shall be mailed to the owner
34 or operator of the groundwater extraction facility at the address as
35 shown by the groundwater management agency's records. A
36 determination made by the governing body shall be conclusive on
37 the owner or operator and the groundwater charges, based on the
38 determination together with any interest and penalties, shall be
39 payable immediately unless within 10 days after the mailing of
40 the notice the owner or operator files with the governing body a

1 written protest setting forth the ground for protesting the amount
2 of production or the groundwater charges, interest, and penalties.
3 If a protest is filed pursuant to this subdivision, the governing body
4 shall hold a hearing to determine the total amount of the
5 groundwater production and the groundwater charges, interest,
6 and penalties. The determination by the governing body at the
7 hearing shall be conclusive if based upon substantial evidence.
8 Notice of the hearing shall be mailed to each protestant at least 10
9 days before the date fixed for the hearing. Notice of the
10 determination of the governing body hearing shall be mailed to
11 each protestant. The owner or operator shall have 20 days from
12 the date of mailing of the determination to pay the groundwater
13 charges, interest, and penalties determined by the governing body.

14
15 CHAPTER 8. GROUNDWATER SUSTAINABILITY PLANS

16
17 10735. (a) A groundwater sustainability plan shall be adopted
18 for each medium or high priority basin by an overlying
19 groundwater sustainability agency. The plan may incorporate,
20 extend, or be based on a plan adopted pursuant to Part 2.75
21 (commencing with Section 10750) and shall include all of the
22 following:

23 (1) A description of the physical setting and characteristics of
24 the aquifer system underlying the basin that includes the following:

25 (A) Historical data, to the extent available.

26 (B) Groundwater levels, groundwater quality, subsidence, and
27 groundwater-surface water interaction.

28 (C) Known issues of concern with respect to the data described
29 in this paragraph.

30 (D) A general discussion of historical and projected water
31 demands and supplies.

32 (E) A map that details the area of the basin and the boundaries
33 of the groundwater sustainability agencies that overlie the basin
34 that have or are developing groundwater sustainability plans.

35 (F) A map identifying existing and potential recharge areas for
36 the basin. The map or maps shall identify the existing recharge
37 areas that substantially contribute to the replenishment of the
38 groundwater basin. The map or maps shall be provided to the
39 appropriate local planning agencies after adoption of the
40 groundwater sustainability plan.

1 ~~(2) Groundwater management objectives to achieve the~~
2 ~~sustainability goal in the basin within 20 years of the~~
3 ~~implementation of the plan. The plan shall include a description~~
4 ~~of how the plan helps meet each objective and how each objective~~
5 ~~is intended to achieve the sustainability goal for the basin for~~
6 ~~long-term beneficial uses of groundwater. The department, at the~~
7 ~~request of the groundwater management agency, may grant an~~
8 ~~extension of up to 10 years beyond the 20 year sustainability time~~
9 ~~frame if necessary based on groundwater basin circumstances.~~

10 ~~(3) A planning and implementation horizon of at least 50 years.~~

11 ~~(4) As applicable to the basin, components relating to the~~
12 ~~following:~~

13 ~~(A) The monitoring and management of groundwater levels~~
14 ~~within the basin.~~

15 ~~(B) The monitoring and management of groundwater quality,~~
16 ~~groundwater quality degradation, inelastic land surface subsidence,~~
17 ~~and changes in surface flow and surface water quality that directly~~
18 ~~affect groundwater levels or quality or are caused by groundwater~~
19 ~~pumping in the basin.~~

20 ~~(C) Mitigation of overdraft.~~

21 ~~(D) How recharge areas identified in the plan substantially~~
22 ~~contribute to the replenishment of the basin.~~

23 ~~(5) A summary of the type of monitoring sites, type of~~
24 ~~measurements, and the frequency of monitoring for each location~~
25 ~~monitoring groundwater levels, groundwater quality, subsidence,~~
26 ~~streamflow, precipitation, evaporation, and tidal influence. The~~
27 ~~plan shall include a summary of monitoring information such as~~
28 ~~well depth, screened intervals, and aquifer zones monitored, and~~
29 ~~a summary of the type of well relied on for the information,~~
30 ~~including public, irrigation, domestic, industrial, and monitoring~~
31 ~~wells.~~

32 ~~(6) Monitoring protocols that are designed to detect changes in~~
33 ~~groundwater levels, groundwater quality, inelastic surface~~
34 ~~subsidence for basins for which subsidence has been identified as~~
35 ~~a potential problem, and flow and quality of surface water that~~
36 ~~directly affect groundwater levels or quality or are caused by~~
37 ~~groundwater pumping in the basin. The monitoring protocols shall~~
38 ~~be designed to generate information that promotes efficient and~~
39 ~~effective groundwater management.~~

~~(b) A groundwater sustainability plan may include all of the following, where appropriate:~~

- ~~(1) Control of saline water intrusion.~~
- ~~(2) Wellhead protection areas and recharge areas.~~
- ~~(3) Migration of contaminated groundwater.~~
- ~~(4) A well abandonment and well destruction program.~~
- ~~(5) Replenishment of groundwater extractions.~~
- ~~(6) Activities implementing, opportunities for, and impediments to, conjunctive use.~~
- ~~(7) Well construction policies.~~
- ~~(8) Measures addressing groundwater contamination cleanup, recharge, diversions to storage, conservation, water recycling, conveyance, and extraction projects.~~
- ~~(9) Efficient water management practices, as defined in Section 10902, for the delivery of water and water conservation methods to improve the efficiency of water use.~~
- ~~(10) Efforts to develop relationships with state and federal regulatory agencies.~~
- ~~(11) Processes to review land use plans and efforts to coordinate with land use planning agencies to assess activities that potentially create risks to groundwater quality or quantity.~~

~~10735.5. (a) Prior to initiating the development of a groundwater sustainability plan, the groundwater sustainability agency shall make available to the public and the department a written statement describing the manner in which interested parties may participate in the development and implementation of the groundwater sustainability plan. The groundwater sustainability agency may appoint and consult with an advisory committee consisting of interested parties for the purposes of developing and implementing a sustainable groundwater management plan. The groundwater management agency shall encourage the active involvement of diverse social, cultural, and economic elements of the population within the groundwater basin prior to and during the development and implementation of the groundwater management plan. The groundwater sustainability agency shall encourage the active involvement of diverse social, cultural, and economic elements of the population within the basin prior to and during the development and implementation of the groundwater sustainability plan.~~

1 ~~(b) The groundwater sustainability agency shall establish and~~
2 ~~maintain a list of persons interested in receiving notices regarding~~
3 ~~plan preparation, meeting announcements, and availability of draft~~
4 ~~plans, maps, and other relevant documents. A person may request,~~
5 ~~in writing, to be placed on the list of interested persons.~~

6 ~~10736. (a) Except as provided in subdivision (b), a~~
7 ~~groundwater sustainability agency shall certify that its plan~~
8 ~~complies with this part no later than January 31, 2020, and every~~
9 ~~five years thereafter. A groundwater sustainability agency shall~~
10 ~~submit this certification to the department within 30 days of the~~
11 ~~certification.~~

12 ~~(b) A basin shall be in compliance with this part if a groundwater~~
13 ~~sustainability agency for a basin or other local agency submits to~~
14 ~~the department no later than January 31, 2020, and every five years~~
15 ~~thereafter, any of the following documents:~~

16 ~~(1) A copy of a governing final judgment or other judicial order~~
17 ~~or decree establishing a groundwater sustainability program for~~
18 ~~the basin.~~

19 ~~(2) A report approved by a groundwater sustainability agency~~
20 ~~that shows that current management or operations activities have~~
21 ~~been consistent with the sustainable yield of the basin over a period~~
22 ~~of at least 10 years. The report shall be prepared by a registered~~
23 ~~professional engineer or geologist who is licensed by the state and~~
24 ~~submitted under that engineer's or geologist's seal. The report may~~
25 ~~demonstrate compliance with the sustainability goal in the basin~~
26 ~~by presenting a balanced water budget for the basin, a technical~~
27 ~~analysis demonstrating stable groundwater levels over the relevant~~
28 ~~period, or other sufficient technical analyses.~~

29 ~~(c) (1) The department may review the submissions made~~
30 ~~pursuant to this section and may request the supporting information~~
31 ~~on which the certification pursuant to subdivision (a) or the other~~
32 ~~documentation pursuant to subdivision (b) relied. The department~~
33 ~~may issue findings concerning the validity of the certification or~~
34 ~~other submission.~~

35 ~~(2) Before issuing findings pursuant to paragraph (1), the~~
36 ~~department shall transmit a draft of its findings to the submitting~~
37 ~~agency and shall consult with that agency. The submitting agency~~
38 ~~may submit a response to the department within 60 days of~~
39 ~~receiving the department's draft findings.~~

~~(3) If the department's findings issued pursuant to paragraph (1) concern the compliance of a plan with requirements for sustainable groundwater management or the operation of a basin consistent with the basin's sustainable yield, the submitting agency, within 90 days of receipt, shall consider amendments to its plan or technical analysis to address the department's findings.~~

~~(d) The Antelope Valley basin at issue in the Antelope Valley Groundwater Cases (Judicial Council Coordination Proceeding Number 4408) shall be treated as an adjudicated basin pursuant to this section if the superior court's final judgment, order, or decree is submitted to the department consistent with this section.~~

~~10736.5. A groundwater management agency shall periodically evaluate its groundwater sustainability plan, assess changing conditions in the basin that may warrant modification of the plan or management objectives, and may adjust components in the plan. An evaluation of the plan shall focus on determining whether the actions under the plan are meeting the plan's management objectives and whether those objectives are meeting the sustainability goal in the basin.~~

~~10737. A groundwater sustainability agency preparing a groundwater sustainability plan or a plan amendment shall notify any city or county within the area of the proposed plan or amendment at least 90 days before a public hearing on the plan where the agency will be reviewing the plan or amendment and considering its adoption or amendment. The groundwater sustainability agency shall obtain comments from any city or county that receives notice pursuant to this section and shall consult with a city or county that requests consultation within 30 days of receipt of the notice. Nothing in this section is intended to preclude an agency and a city or county from otherwise consulting or commenting regarding the adoption or amendment of a plan.~~

~~10737.5. (a) The department or a groundwater sustainability agency may provide technical assistance to entities that extract or use groundwater to promote water conservation and protect groundwater resources.~~

~~(b) The department may provide technical assistance to any groundwater sustainability agency in response to that agency's request for assistance in the development and implementation of a groundwater sustainability plan. The department shall use its best efforts to provide the requested assistance.~~

1 ~~(e) (1) By January 1, 2017, the department shall submit to the~~
2 ~~Legislature and publish on its Internet Web site best management~~
3 ~~practices for the sustainable management of groundwater.~~

4 ~~(2) Best management practices to be submitted pursuant to~~
5 ~~paragraph (1) shall be submitted in compliance with Section 9795~~
6 ~~of the Government Code.~~

7 ~~(3) The department shall develop the best management practices~~
8 ~~in consultation with a representative task force of interested entities.~~
9 ~~The department shall ensure that the task force's members are~~
10 ~~broadly representative of stakeholders who are interested in~~
11 ~~groundwater. The task force shall have no more than 25 stakeholder~~
12 ~~members. The task force also shall include at least three licensed~~
13 ~~engineers who have extensive experience with groundwater issues.~~
14 ~~The department shall convene the task force's first meeting by~~
15 ~~July 1, 2015. All meetings of the task force shall be open to the~~
16 ~~public.~~

17 ~~(4) A groundwater sustainability agency may consider the best~~
18 ~~management practices developed by the department in preparing~~
19 ~~a groundwater sustainability plan consistent with the requirements~~
20 ~~of this chapter.~~

21
22 ~~CHAPTER 9. STATE INTERVENTION~~
23

24 ~~10738. It is the intent of the Legislature to amend this measure~~
25 ~~to provide that one or more state agencies act to ensure that all~~
26 ~~basins in California are on track to achieve the sustainability goal~~
27 ~~if local agencies are unable to adopt or implement groundwater~~
28 ~~sustainability plans that achieve that goal.~~

29
30 ~~CHAPTER 10. EXPEDITED ADJUDICATION~~
31

32 ~~10742. It is the intent of the Legislature to amend this measure~~
33 ~~to provide for expedited adjudications of rights to extract and store~~
34 ~~water from and in basins by enacting, and directing the Judicial~~
35 ~~Council to develop, innovative judicial procedures to manage those~~
36 ~~adjudications as quickly as reasonably feasible so as to enable the~~
37 ~~sustainable management of groundwater in the state.~~

~~CHAPTER 11. LAND USE~~

~~10745. (a) After January 31, 2020, until a groundwater sustainability agency or the board complies with this part for a basin, a person shall not increase groundwater extractions on a property within the basin from the average of the extractions on that property during the period of January 1, 2010, to December 31, 2014, inclusive, unless the person submits to the county a report that meets all of the following requirements:~~

~~(1) A registered professional engineer or geologist licensed by the state prepared the report and submitted it under the engineer's or geologist's seal.~~

~~(2) It includes a technical analysis demonstrating stable groundwater levels over the relevant period in the area where the increased extraction would occur.~~

~~(3) It demonstrates that the increased extractions would not cause undesirable results in the basin.~~

~~(b) A land use agency shall issue a well-drilling permit only if the extractions from the new or refurbished well satisfy the limit established pursuant to subdivision (a):~~

~~(c) This section does not apply to the following:~~

~~(1) Monitoring wells.~~

~~(2) Wells used for groundwater remediation under a cleanup or remedial action plan approved by a public agency with authority to oversee groundwater remediation or by a court of competent jurisdiction.~~

~~(3) A well that is subject to judicial oversight and control pursuant to a final judgment governing extractions from the groundwater basin.~~

~~(d) This section shall not be construed as an exemption from any adjudication of rights to use groundwater whether that adjudication occurs in a court of California, the United States, or under procedures provided in Chapter 10 (commencing with Section 10742):~~

~~CHAPTER 12. WATER SUPPLY RELIABILITY~~

~~10748. Sustainable groundwater management in California depends upon creating more opportunities for robust conjunctive management of surface water resources. Climate change will~~

1 intensify the need to recalibrate and reconcile surface and
2 groundwater management strategies. It is the intent of the
3 Legislature to amend this measure to provide that the State Water
4 Resources Control Board and the regional water quality control
5 boards weigh the value of surface water for groundwater
6 replenishment and recharge to promote the state's interest in
7 groundwater sustainability.

8 SEC. 6. The provisions of this act are severable. If any
9 provision of this act or its application is held invalid, that invalidity
10 shall not affect other provisions or applications that can be given
11 effect without the invalid provision or application.

12 SEC. 7. No reimbursement is required by this act pursuant to
13 Section 6 of Article XIII B of the California Constitution for certain
14 costs that may be incurred by a local agency or school district
15 because, in that regard, this act creates a new crime or infraction,
16 eliminates a crime or infraction, or changes the penalty for a crime
17 or infraction, within the meaning of Section 17556 of the
18 Government Code, or changes the definition of a crime within the
19 meaning of Section 6 of Article XIII B of the California
20 Constitution.

21 However, if the Commission on State Mandates determines that
22 this act contains other costs mandated by the state, reimbursement
23 to local agencies and school districts for those costs shall be made
24 pursuant to Part 7 (commencing with Section 17500) of Division
25 4 of Title 2 of the Government Code.

26 SEC. 8. The Legislature finds and declares that Section 5 of
27 this act, which adds Sections 10729.5 and 10734 to the Water
28 Code, imposes a limitation on the public's right of access to the
29 meetings of public bodies or the writings of public officials and
30 agencies within the meaning of Section 3 of Article I of the
31 California Constitution. Pursuant to that constitutional provision,
32 the Legislature makes the following findings to demonstrate the
33 interest protected by this limitation and the need for protecting
34 that interest:

35 In order to allow this act to fully accomplish its goals, it is
36 necessary to protect proprietary information submitted pursuant
37 to this act as confidential. Therefore, it is in the state's interest to
38 limit public access to this information.

O